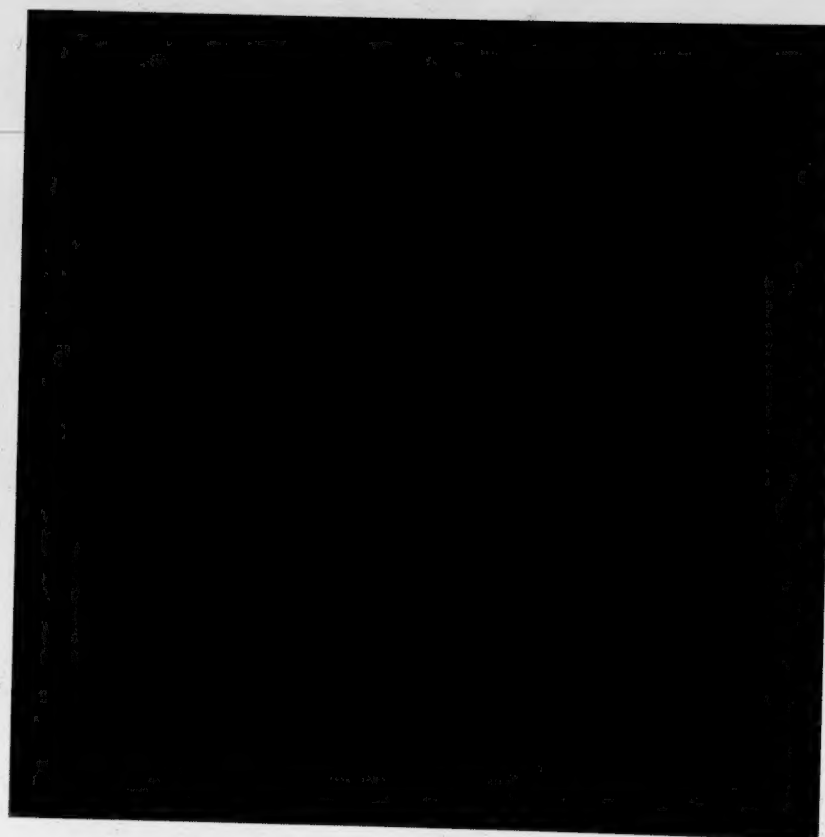
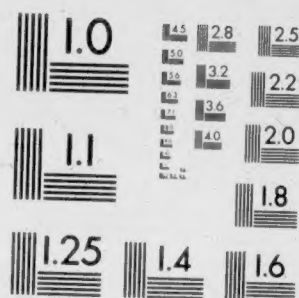


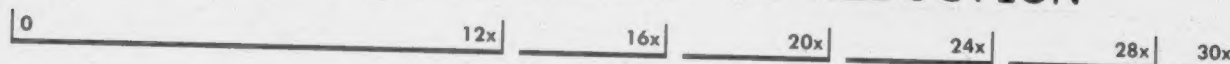
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 124

MISSISSIPPI CHOCTAW MCR 3273- 3369

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw MCR 3273

Hugh M. Fuller

See MCR 3274, 3275, 3276
3277, 3278, 3555, 3556, 3557

MCR 3273

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----!-----

In the matter of the application of Hugh M. Fuller,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Hugh M. Fuller, et al.....	M.C.R. 3273
Josie Harbert, et al.....	M.C.R. 3274
Tom Fuller.....	M.C.R. 3275
Mary E. Neal, et al.....	M.C.R. 3276
Hettie Fuller.....	M.C.R. 3277
Frank Fuller, et al.....	M.C.R. 3278
Henry Fuller.....	M.C.R. 3555
Ethel Fuller.....	M.C.R. 3556
William D. Fuller, et al.....	M.C.R. 3557.

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Secretary of the Interior, comprising the
record in the consolidated case
of Hugh M. Fuller, et al.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 19, 1901.

1273

In the matter of the application of Hugh M. Fuller for identification of himself and his two minor grandchildren as Mississippian Choctaws.

Attorney A. Telle representing Applicant.

Hugh M. Fuller being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Hugh M. Fuller.
Q What is your age? A Sixty-eight.
Q What is your post-office address? A Sherman Texas.
Qc Have you a street number? A 775 South Travis Street.
Q How long have you lived there? A I believe I went to that house in '87 or '88. I have been in the County a heap longer than that.
Q How long have you lived in that County? A About 48 years.
Q How long have you lived in Texas? A Forty-six or eight years.
Q Where did you live before you lived in Texas? A I lived in Alabama.
Q How long did you live in Alabama? A sixteen or seventeen years.
Q Where did you live before you lived in Alabama? A In Mississippi.
Q How long did you live in Mississippi? A Four years about.
Q Where did you live before you lived there? A I was not born before that.
Q Were you born in Mississippi? A Yes.
Q And lived there about four years and then went to Alabama? A Yes.
Q From Alabama you moved to Texas? A Yes.
Q And have been living there ever since? A Yes.
Q What is your father's name? A Dave Fuller.
Q Is he living? A No he died when I was young.
Q What is your mother's name? A Ann.
Q Ann Fuller? A Yes.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know the degree of blood.
Q How much Choctaw blood did your mother claim? A I never heard her claim the degree of blood.
Qc Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your wife's name? A Martha Ann.

#2

- Q Is she living? A No.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A No.
- Q Have you any children for whom you wish to make application at this time? A Yes I have two.
- Q What relation are they to you? A They are my grandchildren.
- Q Through which one of their parents do they claim their Choctaw blood? A Their father.
- Q Is their father dead? A Yes.
- Q Is their mother dead? A No.
- Q Their mother don't claim to be Choctaw? A No.
- Q Are these children living with you? A No they are living with their kother but their mother has had them put under my case.
- Q Has there been any guardian appointed for them by the Court? A No.
- Q You will be allowed to apply for these grandchildren provided you send in a power of attorney from the mother authorizing you to ~~make~~ make application for them. What are the names and ages of these children? A Dea, D-e-a Fuller.
- Q How old? A Fourteen.
- Q Next? A Ada Fuller, Eleven.
- Q What is their father's name? A J. L. Fuller.
- Q He is dead you say? A Yes.
- Q What is their mother's name? A Ida.
- Q Is she living? A Yes.
- Q How long has their father been dead? A I believe three years last March.
- Q How much Choctaw blood do you claim for these children? A I don't know.
- Q Have you any evidence of the marriage of their father and mother? A Well Yes I witnessed it.
- Q Well have you any Court record or their marriage certificate? A Of John and Ida? A Yes. A No.
- Q Can you get them? A I suppose so.

It will be necessary for the Commission to be supplied with evidence of the marriage of J. L. and Ida Fuller in support of the application you make for your minor grandchildren.

- Q Is your name or are the names of your grandchildren on any of the tribal rolls of the Choctaw Nation in Indian Territory? A They are not that I have any knowledge of.
- Q Have you ever applied to the Choctaw Tribal Authorities to have yourself or your grandchildren enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your grandchildren in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A Have not.
- Q Have you or your grandchildren ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A Not that I know of.
- Q Have you or your grandchildren ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A What kind of one
- Q Yes? A I don't know what kind of one.

- Q What do you want to apply for? A For citizenship in the Choctaw Nation as a Mississippi Choctaw.
- Q You claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q What treaty? A Eighteen hundred and thirty.
- Q Do you claim under the whole treaty or under some particular part of it? A The particular part referred to the provisions under the Mississippi Choctaws.
- Q Do you know what part of the treaty that is? A I understand it is the fourteenth article.
- Q Do you understand the provisions of that fourteenth article? A Well I don't know that I do. I heard your explanation to those other parties it was to provide homesteads for those others who remained.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi in exchange for their land in those States and move them all to the country West of the Mississippi River where they could be undisturbed in their tribal government by the white people but some of the Indians did not want to come West and the other Indians would not sign any treaty until some provisions was made for those Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who did not want to leave Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty; in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privilege of Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the provision under which you claim now is it? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Betty Ott who married a Hugh Randolph a white man my grandfather.
- Q Was she Betty Ott or Betty Randolph when the treaty of eighteen hundred and thirty was made? A Well I suppose after our English custom it was Ott.
- Q Well was she Betty Ott or Betty Randolph in 1830 when the treaty was made? A Well she was Randolph's wife in 1830.
- Q Where did she live in eighteen hundred and thirty? A In Mississippi but I can't locate the place.
- Q Do you know what County? A I think it was Monroe County.
- Q Have you any proof that she lived in the Choctaw Nation in eighteen hundred and thirty? A I don't know I haven't any written proof.
- Q Can you get any such proof? A I don't know about that.

- Her family, my grandfather's family in my first recollection lived there and lived there until I left that Country and came West.
- Q How long has your mother been dead? A I think she died in '71. If I recollect right. She died in Alabama.
- Q How old was she when she died? A I don't know.
- Q Are you the oldest one of her children? A No.
- Q How much older than you is the oldest one of her children? A I don't know but I think I am the fifth one in the family.
- Q Four older than you? A I think so, two boys and two girls.
- Q You must have been born about the year 1833 or 1834? A In 1832.
- Q Well was not your mother a married woman and the head of a family in eighteen hundred and thirty? A Yes.
- Q Was she living in Mississippi at that time? A Yes.
- Q How much Choctaw blood did your grandmother claim to have? A I never heard her say. The only thing I ever heard her say about her relation was talking about her Choctaw people.
- Q You remember your grandmother? A No I do not.
- Q Did your mother look like she had Choctaw blood? A Well I never thought anything about it while I was with her.
- Q Did she have blue eyes and light hair or was she dark? A She was dark complected and had black eyes.
- Q Did your mother come West with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty three and thirty-eight? A No.
- Q You say she died in Alabama in '71? A Yes I think that was the date I was in Texas and if I recollect right that is it.
- Q Did your mother go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that she wanted to stay in Mississippi and take land there? A I don't know.
- Q Did your mother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Father owned land in Alabama after they went there in '35 or '36.
- Q You know how they got that land? A I think father entered it. That is my notion I have been under that impression.
- Q How old were you when you moved away from Mississippi? A About four years.
- Q Do you remember the time when these Commissioners were down in Mississippi from along in 1837 and from then on until 1845? A No I don't know if they were in Mississippi. Father was then across living in Alabama.
- Q Did your father and mother go before the Commissioners at that time? A Not that I know of.
- Q Do you think you would be able to remember it if they had gone before them in 1842 or 1843? A- Yes in '42 I would have been ten years old.
- Q You never heard anything about them going before these Commissioners? A No I don't.
- Q Will you be able to get any evidence to show whether your mother went to the Indian Agent there in Mississippi and told him that she wanted to stay there and become a citizen of the United States? A I have my doubts about that.
- Q You understand that it is a very material point in your case to have evidence on that question? A No I didn't understand it in that light.
- Q Well do you understand it now? A I suppose it is.
- Q You will make an effort to secure evidence along that line if you can? A No I have made no effort.
- Q Well I say will you? A Yes anything that is necessary that I can get.

#5

- Q You never heard in your family about your mother getting any scrip from the government? A No.
- Q Have you any papers that you want to file? A Yes.

-Examination by Attorney Telle.

- Q Q This Betty Ott did she have any relatives? A That is my understanding, she was a sister of William Ott and Betty Ott married Hugh Randolph who was my grandfather.

Statement by Attorney Telle.

I have examined the records pertaining to claims under the Treaty of eighteen hundred and thirty and find that William Ott the brother of Bettie Ott was a claimant under the nineteenth article of the treaty of eighteen hundred and thirty and further find in connection that there was a Betsy claiming at the same time but as to whether this Betsy was the sister of William Ott we have not ascertained yet but will make further search. A copy of the correspondence in this matter taken from the American State Papers vol. 7. will be filed.

Examination by the Commission.

- Q Is there anything else that you would like to say at this time in support of your application? A I believe I would like to state this; "That as far as my knowledge of my ancestors and their places of living was always amongst the Choctaws up to the time they moved away from Mississippi?; A You mean that when your parents moved away from Mississippi or when the Choctaws moved away? A When the Choctaws moved away my father remained in Mississippi until 1836 or '37 when he moved across the line to Alabama.

By Attorney A. Telle.

- Q I will ask you Mr. Fuller if at any time your father made preparations to move himself with the Choctaws? A Yes.
- Q About what time? A In '35 or '36. There were a colony of persons rendezvous at a certain place in Mississippi and the measles got among their families and father's family was not able to move and didn't move that Winter and the next Spring he moved across the State line into Alabama in thirty five or thirty six and when I came to this Country I found people who knew us there and I found three families in Texas that were in that rendezvous.

By the Commission.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits of any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

#6

This applicant has gray hair, blue eyes and medium complexion. His features and general appearance are those of a white person. He does not know of any compliance on the part of his ancestors with the provisions of the treaty of eighteen hundred and thirty although it appears from his statement that his father and mother were living in Mississippi at the time this treaty was made.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 4th day of October 1901.

Charles H. Sawyer

Notary Public.

H.B.
Cum
C. v. Ws

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Hugh M. Fuller,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Hugh M. Fuller, et al.....	M.C.R.	3273
Jessie Harbert, et al.....	M.C.R.	3274
Tom Fuller.....	M.C.R.	3275
Mary E. Neal, et al.....	M.C.R.	3276
Nettie Fuller.....	M.C.R.	3277
Frank Fuller, et al.....	M.C.R.	3278
Henry Fuller.....	M.C.R.	3555
Ethel Fuller.....	M.C.R.	3556
William D. Fuller, et al.....	M.C.R.	3557.

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--: D E C I S I O N :--

The record in the above consolidated case shows that
there were, originally, nine applications, made separately by the
parties named, at the times and places herein set forth, to-wit:

In the matter of the application of Hugh M. Fuller
for the identification of himself and his two minor grandchildren,

(2).

Dea and Ada Fuller, as Mississippi Choctaws, taken at Atoka, Indian Territory, August 19, 1901.

In the matter of the application of Jessie Harbert for the identification of herself and her five minor children, Arney H., Neva, Arlene, Willa and Galloway Harbert, as Mississippi Choctaws, taken at Atoka, Indian Territory, August 19, 1901.

In the matter of the application of Tom Fuller for the identification of himself as a Mississippi Choctaw, taken at Atoka, Indian Territory, August 19, 1901.

In the matter of the application of Mary E. Neal for the identification of herself and her three minor children, Katie, Effie and Culbertson Neal, as Mississippi Choctaws, taken at Atoka, Indian Territory, August 19, 1901.

In the matter of the application of Nettie Fuller for the identification of herself as a Mississippi Choctaw, taken at Atoka, Indian Territory, August 19, 1901.

In the matter of the application of Frank Fuller for the identification of himself and his eight minor children, Bertha, Benton, Deraidell, Chisel, Alva, Nordicka, Mary and Isora Fuller, as Mississippi Choctaws, taken at Atoka, Indian Territory, August 19, 1901.

In the matter of the application of Henry Fuller for the identification of himself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 16, 1901.

In the matter of the application of Ethel Fuller for the identification of himself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 16, 1901.

In the matter of the application of William D. Fuller for the identification of himself and his six minor children, Edith,

(3).

Don C., Velma, Willie, Elbert and Ruth Fuller, as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901.

While these several applications have been consolidated, and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of Hugh M. Fuller, et al., that on August 19, 1901, the said Hugh M. Fuller appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself and his two minor grandchildren, Dea and Ada Fuller, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Ann Fuller, an alleged Choctaw, (degree of blood not known), who married Dave Fuller, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Hugh M. Fuller, and his two minor grandchildren for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

(4).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavit of W. H. Thern, Sr.; a certified copy of the marriage license and certificate between J. L. Fuller and Ida Harding parents of minor applicants, Dea and Ada Fuller; the ex parte affidavit of Catharine Franklin; and a power of attorney granted by Ida Fuller, mother of minor applicants, Dea and Ada Fuller, to the principal applicant, Hugh W. Fuller, empowering him to make application for the identification of said minor applicants as Mississippi Choctaws. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Mississippi, in the year 1852; that he was the fifth child born of the union of his parents, who, in 1830, resided in Mississippi, his mother, Ann Fuller, being at that time married and the head of a family; and that the principal applicant had never been a resident of Indian Territory. He claims to be of Choctaw blood, but does not know the degree. He attempts to trace his alleged Choctaw descent through his mother, Ann Fuller, to his grandmother, Bettie Randolph, (nee Ott), who, he alleges, resided in the state of Mississippi, but there is nothing in his testimony which would tend to show that his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of W. H. Thern, Sr., it is attempted to be shown that affiant is acquainted with the principal applicant, and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Franklin County, Alabama, in about the year 1830, and who were reputed to have been of Indian descent. In the ex parte affidavit of Catharine Franklin, affiant

(5).

claims to have been a resident of the state of Mississippi, and to have come with the Cheetaw Indians to Indian Territory in the year 1832, and it is attempted to be shown that affiant was acquainted with one William Ott and his sister, Betsey Ott, in the state of Mississippi, who, she alleges, were half-blood Cheetaw Indians; that Betsey Ott married a white man named Hugh Randolph; and that one daughter was the issue of said marriage, who was given the name of Ann, and who married a white man named Dave Fuller. But there is nothing in said affidavit which tends to connect the parties therein named with the principal applicant, and there is nothing in either of the above affidavits that would tend to show that any of the alleged Cheetaw ancestors of the principal applicant were ever recognized by the Cheetaw tribal authorities in Mississippi as members of the Cheetaw tribe of Indians in that state, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The certified copy of the marriage license and certificate filed herewith is simply evidence of the marriage of J. L. Fuller and Ida Harding, parents of minor applicants, Dea and Ada Fuller, and of their legitimacy.

The next in order of the above applications is that of Josie Harbert, et al., and the record therein shows that on August 19, 1901, the said Josie Harbert appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her five minor children, Arney H., Nova, Arlene, Villa and Callaway Harbert, as Mississippi Cheetaws, claiming to be descendants of Cheetaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Cheetaw tribe of Indians, concluded September 27,

(6).

1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Hugh M. Fuller, an alleged Choctaw, (degree of blood not known), who married Martha Ann Fuller, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Jessie Harbert, and her five minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the oral statement of Hugh M. Fuller; certified copies of the ex parte affidavits of Tobias Edwards, John Lewis, (with affidavit of Henry Byington as interpreter), J. W. Seett, J. M. Armstrong, J. P. Hopson, W. B. Savage, W. S. Helt, L. W. Savage, I. T. Akers and T. B. Boren; a certificate of Vella Stewart as to certain entries of record found on pages 36, 89 and 134, of Volume VII, American State Papers; a certified copy of the certificate of T. D. Taylor as to certain entries found on pages 96 and 137, Volume VII, American State Papers; a certified copy of the ex parte affidavit of W. H. Thorn, Sr.; and a certified copy of the ex parte affidavit of Catherine Franklin. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas,

(7).

is about the year 1880, had never been a resident of Indian Territory and claims to be an one-eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father, Hugh M. Fuller, to her grandmother, Ann Fuller, (nee Randolph), to Betsey Ott, her great-grandmother, who, she alleges, resided in the state of Mississippi or Alabama. She also testifies that she is forty-two years of age, and her father, Hugh M. Fuller, sixty-eight years of age; that her grandmother, Ann Fuller, died when the principal applicant was seven or eight years of age, at the age of sixty or seventy, and, if living, would be about ninety-five years old; that Hugh M. Fuller had brothers and sisters older than himself. By the oral statement of Hugh M. Fuller it is attempted to be shown that he is sixty-eight years old, an applicant for identification as a Mississippi Choctaw, and the father of the principal applicant. There is nothing in either of the oral statements which would tend to show that the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copies of the affidavits of Tobias Edwards and John Lewis, it is attempted to be shown that they are respectively, eighty and eighty-eight years of age; that affiants were acquainted with Betty Ott and her daughter, Ann; that Ann married a white man named Dave Fuller; "Took their stay" and remained in Mississippi, living near the Tombigbee River, in Yazoos Valley, Leflore's District; that Betty Ott and her daughter, Ann Fuller, were Choctaw Indians by blood and that William Ott, the brother of Betty Ott, came with the first emigration to Indian Territory. But there is nothing in their testimony to tend to show the relationship existing between the applicants

(3).

herein and the said Betty Ott or her daughter, Ann Fuller, (nee Randolph). By the certified copies of the ex parte affidavits of J. W. Scott, of Grayson County, Texas, and J. M. Armstrong, of Hot Springs County, Arkansas, it is attempted to be shown that affiants are acquainted with Hugh M. Fuller, and knew his wife, Martha Fuller, in her lifetime, and that they were lawfully married; that they also knew said Hugh M. Fuller's father and mother, Dave and Ann Fuller, in 1843 and 1844, and heard them say they were from Monroe County, Mississippi. By the certified copies of the affidavits of J. P. Hopson, W. B. Savage, W. S. Holt, L. W. Savage, I. T. Akers and T. D. Boren, all residents of the state of Texas, it is attempted to be shown that affiants are acquainted with one H. M. Fuller, and were acquainted with his wife, Martha Fuller, in her lifetime; that they were married in about the year 1853, and as the issue of such marriage were born Bill Fuller, Frank Fuller, Josie Fuller, (now Mrs. B. C. Harbert), John Fuller, (now dead, and who left two minor children, Dea and Ada Fuller), Henry Fuller, Mary Fuller, (now Mrs. J. T. Neal), Nettie Fuller and Tom Fuller; and that it was the general repute in the neighborhoods in which they have lived that they are possessed of a strain of Indian blood. By the certified copy of the ex parte affidavit of W. H. Thorn, Sr., it is attempted to be shown that affiant is seventy-seven years of age, a citizen of Franklin County, Alabama, is personally acquainted with Hugh M. Fuller, and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Alabama in 1839, and who were reputed to be of Indian descent. By the certified copy of the ex parte affidavit of Catharine Franklin it is attempted to be shown that affiant left Mississippi in 1832; that she was well acquainted with William Ott and his sister, Betsey, in Yancey Valley, Leflore's District, state of Mississippi; that they

(9).

were about one-half blood Choctaw Indians; she further says that Betsey Ott married a white man named Hugh Randolph, to whom a daughter was born, named Ann, who married a white man named David Fuller, "Took their stay in Mississippi" and never came to the Choctaw Nation to affiant's knowledge. But there is nothing in said affidavit which tends to connect the parties therein named with the principal applicant, and there is nothing in any of said ex parte affidavits that tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians in that state, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certificate of Vella Stewart it is attempted to be shown that the name of one William Ott appears on pages 36, 89 and 134 of Volume VII, American State Papers. By the certificate of T. D. Taylor it is attempted to be shown that the name of one "Betsey" appears upon pages 96 and 137, of Volume VII, American State Papers. There is nothing in the certificates above referred to which in any way connects the principal applicant herein with the said William Ott or "Betsey" mentioned therein. From an examination of the record above cited it is found that the name of one William Ott does appear upon pages 36, 89 and 134 of Volume VII, American State Papers, Public Lands, and also the name of one "Betsey" does appear upon pages 96 and 137, of said Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Lefflore's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the time of the making of the treaty of Dancing Rabbit Creek had land in cultivation, in exchange for which they were to receive stipulated tracts of land

(10).

in accordance with the provisions of article nineteen of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of the facts expected to be proven by her.

The next in order of the above named applications is that of Tom Fuller, and the record therein shows that on August 19, 1901, the said Tom Fuller appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Hugh M. Fuller, an alleged Choctaw Indian, (degree of blood not known), who married Martha Ann Fuller, a white woman, and where the parents of this applicant.

The record in this case further shows that the applicant, Tom Fuller, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

(11).

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the oral statement of Hugh M. Fuller; certified copies of the ex parte affidavits of Tobias Edwards, John Lewis, (with affidavit of Henry Hyington as interpreter), J. W. Scott, J. M. Armstrong, J. P. Hopson, W. H. Helt, W. B. Savage, L. W. Savage, I. T. Akers and T. B. Beron; a certified copy of the certificate of T. D. Tayler as to certain entries found on pages 96 and 137, Volume VII, American State Papers; a certificate of Vella Stewart as to certain entries of record found on pages 36, 89 and 134, of Volume VII, American State Papers; and certified copies of the ex parte affidavits of W. H. Thern, Sr., and Catharine Franklin. By the oral statement of the applicant it is attempted to be shown that he was born in the state of Texas in about the year 1874; that he had never resided in Indian Territory, and claims to be an one-eighth blood Choctaw. He attempts to trace his alleged Choctaw descent from his father, Hugh M. Fuller, to his grandmother, Ann Fuller, to his great-grandmother, Bettie Randolph, (nee Ott), but he is unable to state whether his said great-grandmother, or grandmother, resided in the state of Mississippi. By his statement it is shown that his grandmother, Ann Fuller, (nee Randolph), was married and the head of a family in the year 1830, at the time of the conclusion of the treaty of Dancing Rabbit Creek. By the oral statement of Hugh M. Fuller, it is attempted to be shown that witness was born in Monroe County, Mississippi, in 1832, and is the father of applicant; that said witness, Hugh M. Fuller, is the fifth child of the marriage of his mother, Ann Fuller, through whom applicant claims; that the oldest child of Ann Fuller was about six years older than witness, Hugh M. Fuller, the father of applicant; and that Ann Fuller resided in Monroe County, Mississippi, with her

(12).

husband, Dave Fuller, and was the head of a family in 1830. There is nothing in either of the oral statements which would tend to show that the alleged Chectaw ancestors of the applicant were ever recognized by the Chectaw tribal authorities as members of the Chectaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copies of the affidavits of Tobias Edwards and John Lewis, it is attempted to be shown that they are respectively eighty and eighty-eight years of age; that affiants were acquainted with Betty Ott and her daughter, Ann; that Ann married a white man named Dave Fuller, "Took their stay" and remained in Mississippi, living near the Tombigbee River, in Yawcoo Valley, Leflore's District, and that Betty Ott and her daughter, Ann Fuller, were Chectaw Indians by blood; that William Ott, the brother of Betty Ott, came with the first emigration to Indian Territory. But there is nothing in their affidavits which would tend to show the relationship existing between the applicant herein and the said Betty Ott, or her daughter, Ann Fuller. By the certified copies of the ex parte affidavits of J. W. Scott, of Grayson County, Texas, and J. M. Armstrong, of Hot Springs County, Arkansas, it is attempted to be shown that affiants were acquainted with Hugh M. Fuller, and knew his wife, Martha Fuller, in her lifetime, and that they were lawfully married; that they also knew Hugh M. Fuller's father and mother, Dave and Ann Fuller, in 1843 and 1844, and heard them say they were from Monroe County, Mississippi. By the certified copies of the ex parte affidavits of J. P. Hopson, W. S. Holt, W. B. Savage, L. W. Savage, I. T. Akers and T. B. Boren, all residents of the state of Texas, it is attempted to be shown that affiants were acquainted with one H. M. Fuller, and were acquainted with his wife, Martha Fuller,

(13).

in her lifetime; that they were married in about the year 1858, and as the issue of said marriage were born Bill, Frank, Jessie, (now Mrs. B. C. Harbert), John, (now dead, and who left two minor children, Dea and Ada Fuller), Mary, (now Mrs. J. T. Neal), Nettie and Tom Fuller; and that it was the general repute in the neighborhood in which they lived that they were possessed of a strain of Indian blood. By the certified copy of the ex parte affidavit of W. H. Thorn, Sr., it is attempted to be shown that affiant is seventy-seven years of age, a citizen of Franklin County, Alabama, and is personally acquainted with Hugh M. Fuller, and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Alabama in 1839, and who were reputed to be of Indian descent. By the certified copy of the ex parte affidavit of Catharine Franklin it is attempted to be shown that affiant left Mississippi in 1832; that she was well acquainted with William Ott and his sister, Betsy, in Yaseo Valley, Leflore's District, state of Mississippi; that they were about one-half blood Choctaw Indians; and that Betsy Ott married a white man named Hugh Randolph, to whom a daughter was born, named Ann, who married a white man named Dave Fuller, "Who took their stay" in Mississippi and never came to the Choctaw Nation to affiant's knowledge. There is nothing in any of the above affidavits that would tend to show the relationship existing between the applicant and his alleged ancestors, Ann Fuller, or her mother, Bettie (Betsy) Ott, or that tends to show that any of the alleged ancestors of the applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copy of the certificate of T. D. Taylor, it is attempted to be shown that the name of one "Betsy" appears upon pages 96 and 137, of

Volume VII, American State Papers. By the certificate of Vella Stewart it is attempted to be shown that the name of one William Ott appears on pages 36, 89 and 134, of Volume VII, American State Papers. There is nothing in the certificates above referred to which in any way connects the applicant herein with the said William Ott, or "Betsey" mentioned therein. From an examination of the record above cited, it is found that the name of one "Betsey" does appear upon pages 96 and 137, of Volume VII, American State Papers, Public Lands, and the name of one William Ott does appear upon pages 36, 89 and 134, of said Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of article nineteen of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence, as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications, is that of Mary E. Neal, et al., and the record therein shows that on August 19, 1901, the said Mary E. Neal appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her three minor children, Katie, Effie and Culbertson Neal, as Mississippi Choctaws, claiming to be descend-

(15).

ants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Hugh M. Fuller, an alleged Choctaw, (degree of blood not known), who married Martha, (maiden name and blood not given), and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary E. Neal, and her three minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the oral statement of Hugh M. Fuller; certified copies of the ex parte affidavits of John Lewis, (with affidavit of Henry Hyington as interpreter), Tobias Edwards, J. W. Scott, J. P. Hopson, W. B. Savage, W. S. Nelt, L. W. Savage, J. M. Armstrong, I. T. Akers and T. B. Boren; a certified copy of the certificate of T. D. Tayler regarding certain entries found on pages 96 and 137, of Volume VII, American State Papers; a certificate of Vella Stewart, regarding certain entries found on pages 16, 89 and 134, of Volume VII, American State Papers; a certified copy of the affidavit of W. H. Thern, Sr.; and

(16).

a certified copy of the ex parte affidavit of Catharine Franklin. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas, in about the year 1865, never was a resident of Indian Territory, and claims to be an one-eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father, Hugh M. Fuller, to her grandmother, Ann Fuller, to her great-grandmother, Bettie Randolph, (nee Ott), a half-blood Choctaw, who, she alleges, resided in the state of Mississippi, registered under the treaty of 1830, and received land from the United States government as a beneficiary under article fourteen of the treaty of 1830. She further testifies that her grandmother, Ann Fuller, (nee Randolph), daughter of her great-grandmother, Netsey (or Bettie) Randolph, (nee Ott), was a resident of Yasee Valley, state of Mississippi, and the head of a family in the year 1830. By the oral statement of Hugh M. Fuller, it is attempted to be shown that he is a resident of Sherman, Texas, sixty-eight years of age, an applicant before the Commission for identification as a Mississippi Choctaw, and the father of the principal applicant herein. There is nothing in either of the oral statements which would tend to show that the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copies of the affidavits of Tobias Edwards and John Lewis, it is attempted to be shown that they are respectively eighty and eighty-eight years of age; that affiants were acquainted with Betty Ott and her daughter Ann; that Ann married a white man named Dave Fuller, and "Took their stay" and remained in Mississippi, living near the Tombigbee River, in Yasee Valley,

In Leflore's District, and that Betty Ott and her daughter, Ann Fuller, were Choctaw Indians by blood; that William Ott, a brother of Betty Ott, came with the first emigration to Indian Territory. But there is nothing in their affidavits which would tend to show the relationship existing between the principal applicant herein and the said Betty (or Betsey) Ott and her daughter, Ann Fuller, (nee Randolph). By the certified copies of the ex parte affidavits of J. W. Scott, of Grayson County, Texas, and J. M. Armstrong, of Hot Springs County, Arkansas, it is attempted to be shown that affiants are acquainted with H. M. (or Hugh M.) Fuller, and knew his wife, Martha, in her lifetime, and that they were lawfully married; that they also knew said Hugh M. Fuller's father and mother, Dave and Ann Fuller, in 1843 and 1844, and heard them say they were from Monroe County, Mississippi. By the certified copies of the ex parte affidavits of J. P. Hopson, W. B. Savage, W. S. Holt, L. W. Savage, I. T. Akers and T. B. Boren, all residents of the state of Texas, it is attempted to be shown that affiants are acquainted with one H. M. Fuller, (or Hugh M. Fuller), and were acquainted with his wife, Martha Fuller, in her lifetime; that they were married in about the year 1858, and as the issue of said marriage were born Bill, Frank, Josie, (now Mrs. B. G. Harbert), John, (now dead, and who left two minor children, Dea and Ada), Henry, Mary, (now Mrs. J. T. Neal), Nettie and Tom Fuller; and that it was the general repute in the neighborhood in which they lived that they were possessed of a strain of Indian blood. By the certified copy of the ex parte affidavit of W. H. Thorn, Sr., it is attempted to be shown that affiant is seventy-seven years of age, a citizen of Franklin County, Alabama, and is personally acquainted with Hugh M. Fuller and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Alabama in 1839, and who were reputed to

(18).

be of Indian descent. By the certified copy of the ex parte affidavit of Catharine Franklin it is attempted to be shown that affiant left Mississippi in 1832; that she was well acquainted with William Ott and his sister, Betsey Ott, in Yazoo Valley, Leflore's District, state of Mississippi, and that they were about one-half blood Choctaw Indians. She further says that Betsey Ott married a white man named Hugh Randolph, to whom a daughter was born, named Ann, who married a white man named Dave Fuller, who "Took their stay" in Mississippi, and never came to the Choctaw Nation to affiant's knowledge. But there is nothing in said affidavit which tends to connect the parties therein named with the principal applicant, and there is nothing in any of the said ex parte affidavits that tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copy of the certificate of T. D. Taylor it is attempted to be shown that the name of one "Betsey" appears upon pages 96 and 137, of Volume VII, American State Papers, and by the certificate of Vella Stewart it is attempted to be shown that the name of one William Ott appears upon pages 36, 89 and 134 of Volume VII, American State Papers. There is nothing in the certificates above referred to which in any way connects the principal applicant herein with the said William Ott, or "Betsey" mentioned therein. From an examination of the record above cited it is found that the name of one "Betsey" does appear upon pages 96 and 137, of Volume VII, American State Papers, Public Lands, and that the name of one William Ott does appear upon pages 36, 89 and 134, of Volume VII,

American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The records above referred to in no way relate to or show any compliance or attempted compliance on the part of the persons therein named with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of Nettie Fuller, and the record therein shows that on August 19, 1901, the said Nettie Fuller appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Hugh M. Fuller, an alleged Choctaw, (degree of blood not known, who married Martha, (maiden name not given), a white woman, and who are the parents of this applicant.

The record in this case further shows that the applicant, Nettie Fuller, has never been enrolled by the tribal authorities of the Choctaw nation as a citizen of that tribe, nor is her

name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the oral statement of Hugh M. Fuller; certified copies of the ex parte affidavits of John Lewis, (with affidavit of Henry Byington as interpreter), Tobias Edwards, J. M. Armstrong, and J. W. Scott; the ex parte affidavits of J. P. Hopson, W. B. Savage, W. S. Holt and L. W. Savage; certified copies of the affidavits of I. T. Akers and T. B. Boren; a certified copy of the certificate of T. D. Taylor regarding certain entries found on pages 96 and 137, of Volume VII, American State Papers; a certificate of Vella Stewart regarding certain entries found on pages 36, 89 and 134, of Volume VII, American State Papers; and certified copies of the ex parte affidavits of W. H. Thorn, Sr., and Catharine Franklin. By the oral statement of the applicant it is attempted to be shown that she was born in the state of Texas in about the year 1872, had never resided in Indian Territory, and claims to be an one-eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father, Hugh M. Fuller, to her grandmother, Ann Fuller, to her great-grandmother, Betsey Ott, who, she alleges, resided in the state of Mississippi or Alabama. By the oral statement of Hugh M. Fuller it is attempted to be shown that he is a resident of the state of Texas, sixty-eight years of age, and an applicant before the Commission for identification as a Mississippi Choctaw; that Nettie Fuller, the applicant herein, is his daugh-

(21).

ter, and inherits her Choctaw blood through him; that his mother's name was Ann Fuller, claimed to be of Choctaw blood; that he was the fifth child born of Ann Fuller and Dave Fuller, his father, and the oldest child was six years older than witness who was born in 1832; and that his said mother, Ann Fuller, was a married woman and the head of a family in 1830, and her name at that time was Ann Fuller. There is nothing in either of the oral statements which would tend to show that the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copies of the affidavits of John Lewis and Tobias Edwards it is attempted to be shown that they are respectively eighty and eighty-eight years of age; that affiants were acquainted with Betty Ott and her daughter Ann; that Ann married a white man named Dave Fuller, "Took their stay" and remained in Mississippi, living near the Tombigbee River, in Yazoo Valley, Leflore's District, and that Betty Ott and her daughter, Ann Fuller, were Choctaw Indians by blood; that William Ott, the brother of Betty Ott, came with the first emigration to Indian Territory. There is nothing in their affidavits that would tend to show the relationship existing between the applicant herein and the said Betsey (or Betty) Ott, or her daughter, Ann Fuller. By the certified copies of the ex parte affidavits of J. M. Armstrong and J. W. Scott, it is attempted to be shown that affiants are acquainted with Hugh M. Fuller, and knew his wife, Martha Fuller, in her lifetime, and that they were lawfully married; that they also knew said Hugh M. Fuller's father and mother, Dave and Ann Fuller, in 1843 and 1844, and heard

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them say they were from Hemlock County, Mississippi. By the ex parte affidavits of J. P. Henson, W. B. Savage, W. S. Kelt and L. W. Savage, and the certified copies of the affidavits of I. T. Akers and T. B. Boren, all residents of the state of Texas, it is attempted to be shown that affiants are acquainted with one H. M. Fuller, and were acquainted with his wife, Martha Fuller, in her lifetime; that they were married in about the year 1855, and as the issue of such marriage were born Bill, Frank, Jonie, (now Mrs. B. C. Harbert), John, (now dead, and who left two minor children, Des and Ada), Henry, Mary, (now Mrs. J. T. Neal), Nettie and Tom Fuller; and that it is the general repute in the neighborhoods in which they have lived that they are possessed of a certain strain of Indian blood. By the certified copy of the ex parte affidavit of W. H. Thorn, Sr., it is attempted to be shown that affiant is seventy-seven years of age, a citizen of Franklin County, Alabama, and is personally acquainted with Hugh M. Fuller, and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Alabama in 1839, and who were reputed to be of Indian descent. By the certified copy of the ex parte affidavit of Catharine Franklin, it is attempted to be shown that affiant left Mississippi in 1832; that she was well acquainted with William Ott and his sister, Betsey, in Yazoo Valley, Leflore's District, state of Mississippi, and that they were about one-half blood Choctaw Indians. She further says that Betsey Ott married a white man named Hugh Randolph, to whom a daughter was born, named Ann, who married a white man named Dave Fuller, "Took their stay" in Mississippi, and never came to the Choctaw Nation to affiant's knowledge. But there is nothing in said affidavit which tends to connect the parties therein named with the applicant herein, and there is nothing in any of said ex parte affidavits which tends to show that the said Betsey

Ott, or Ann Fuller, or any of the alleged Choctaw ancestors of the applicant herein, were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copy of the certificate of T. D. Taylor, it is attempted to be shown that the name of one "Betsey" appears upon pages 96 and 137, of Volume VII, American State Papers, and by the certificate of Vella Stewart it is attempted to be shown that the name of one William Ott appears upon pages 36, 86 and 134 of Volume VII, American State Papers. There is nothing in the certificates above referred to, which in any way connects the applicant herein with the said William Ott or "Betsey" mentioned therein. From an examination of the record above cited it is found that the name of one "Betsey" does appear upon pages 96 and 137, of said Volume VII, American State Papers, Public Lands, and that the name of one William Ott does appear upon pages 36, 86 and 134 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Lefflore's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The records above referred to in no way relate to or show any compliance on the part of the persons therein named with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence, as it is simply a statement of the facts expected to be proven by her.

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The next in order of the above applications is that of Frank Fuller, et al., and the record therein shows that on August 19, 1901, the said Frank Fuller appeared before the Commission, at Atoka, Indian Territory, and there made personal application for the identification of himself and his eight minor children, Bertha, Benton, Deraldell, Chloel, Alva, Nerdicka, Mary and Isora Fuller, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Hugh M. Fuller, an alleged Choctaw, (degree of blood not given), who married Martha, (maiden name not given), a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Frank Fuller, and his eight minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the oral statement of Hugh M. Fuller; a certificate of Vella Stewart

in regard to certain entries on pages 36, 89 and 134, of Volume VII, American State Papers; a certified copy of the certificate of T. D. Taylor in regard to certain entries on pages 96 and 137, of Volume VII, American State Papers; certified copies of the ex parte affidavits of John Lewis, (with affidavit of Henry Byington as interpreter), Tobias Edwards, J. N. Armstrong, J. W. Scott, J. P. Hopson, L. W. Savage, W. B. Savage, I. T. Akers, T. B. Boren and W. S. Holt; the ex parte affidavits of W. R. Jackson and W. H. Driskill; certified copies of the marriage licenses and certificates between James F. Fuller and Dora Duke, and between J. F. Fuller and Lizzie Allen; and certified copies of the ex parte affidavits of W. F. Thorn, Sr., and Catharine Franklin. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Texas, in about the year 1867, had never resided in Indian Territory, and claims to be an one-eighth blood Choctaw; that he had been married twice, and that the minor applicants herein are the children of his two wives, Dora and Lizzie Fuller; he attempts to trace his alleged Choctaw descent from his father, Hugh M. Fuller, to his grandmother, Ann Fuller, to his great-grandmother, Betsey Ott, through whom he claims. He further states that his grandmother, Ann Fuller, was a resident of Mississippi, married, and the head of a family in the year 1830; and that he claims through his great-grandmother for the reason that his grandmother's name could not be found on the records, and his great-grandmother's could. By the oral statement of Hugh M. Fuller, it is attempted to be shown that he is sixty-eight years of age, a resident of the state of Texas, and an applicant for identification as a Mississippi Choctaw before the Commission; that Frank Fuller, the principal applicant herein is his son; that his father's name was Dave Fuller and his mother's name Ann Fuller, who

claimed Cheetaw blood, and who was married and the head of a family in Mississippi in 1830, and remained in Mississippi after that date. But there is nothing in either of the oral statements that would tend to show that the alleged Cheetaw ancestors of the principal applicant were ever recognized by the Cheetaw tribal authorities as members of the Cheetaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copies of the affidavits of John Lewis and Tobias Edwards, it is attempted to be shown that they are respectively eighty and eighty-eight years of age; that affiants were acquainted with Betty Ott and her daughter, Ann; that Ann married a white man named Dave Fuller, "Took their stay" and remained in Mississippi, living near the Tombigbee River in Yazee Valley, Leflore's District, and that Betty Ott and her daughter, Ann Fuller, were Cheetaw Indians by blood; that William Ott, the brother of Betty Ott, came with the first emigration to Indian Territory. But there is nothing in their affidavits which would tend to show any relationship existing between the applicants herein and the said Betty Ott, or her daughter, Ann Fuller. By the certified copies of the ex parte affidavits of J. M. Armstrong and J. W. Scott, it is attempted to be shown that affiants are acquainted with H. M. Fuller, and knew his wife, Martha Fuller, in her lifetime, and that they were lawfully married; that they also knew said H. M. Fuller's father and mother, Dave and Ann Fuller, in 1843 and 1844, and heard them say they were from Monroe County, Mississippi. By the certified copies of the ex parte affidavits of J. P. Henson, L. W. Savage, W. E. Savage, I. T. Akers, T. B. Beren and W. E. Helt, it is attempted to be shown that affiants are acquainted with one H. M. Fuller, and were acquainted with his wife, Martha Fuller, in her lifetime; that they were mar-

ried in about the year 1855, and as the issue of said marriage were born Bill, Frank, Josie, (now Mrs. B. C. Harbert), John, (now dead, and who left two minor children, Dea and Ada), Henry, Mary, (now Mrs. J. T. Neal), Nettie and Tom Fuller; and that it was the general repute in the neighborhoods in which they have lived that they were possessed of a strain of Indian blood. By the ex parte affidavits of W. B. Jackson and W. H. Driskill it is attempted to be shown that they are respectively seventy-two and sixty-seven years of age, and residents of Howe, Texas; that they know Hugh M. Fuller, and know his wife, Martha Fuller, in her lifetime; also Frank Fuller, principal applicant herein, and know him to be the son of Hugh M. Fuller and Martha Fuller. By the certified copy of the ex parte affidavit of W. B. Thorn, Sr., it is attempted to be shown that he is seventy-seven years of age, a citizen of Franklin County, Alabama, is personally acquainted with Hugh M. Fuller and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Alabama in 1839, and were reputed to be of Indian descent. By the certified copy of the ex parte affidavit of Catharine Franklin, it is attempted to be shown that affiant left Mississippi in 1832; that she was well acquainted with William Ott and his sister, Betsey, in Yazoo Valley, Leflore's District, state of Mississippi, and that they were about one-half blood Choctaw Indians; she further says that Betsey Ott married a white man named Hugh Randolph, to whom a daughter was born named Ann, who married a white man named Dave Fuller, "Took their stay" in Mississippi, and never came to the Choctaw Nation to affiant's knowledge. There is nothing in any of the above ex parte affidavits that tends to show any relationship between the principal applicant and the said Betty (or Betsey) Ott, or her daughter, Ann Fuller, or tends to show that any of the alleged Choctaw ancestors of the principal

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applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certificate of Vella Stewart it is attempted to be shown that the name of one William Ott appears on pages 36, 89 and 134, of Volume VII, American State Papers, and by the certified copy of the certificate of T. D. Taylor it is attempted to be shown that the name of one "Betsy" appears upon pages 96 and 137, of Volume VII, American State Papers. There is nothing in the certificates above referred to, which in any way connects the principal applicant herein with the said William Ott, or "Betsy" therein mentioned. From an examination of the record above cited it is found that the name of one William Ott does appear upon pages 36, 89 and 134, of Volume VII, American State Papers, Public Lands, and that the name of one "Betsy" also appears upon pages 96 and 137, of said Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District, in the territory occupied by the Choctaw Indians, in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The record above cited in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The certified copies of the marriage licenses and certificates between James F. Fuller and Dora Duke, and J. F. Fuller and Lizzie Allen, are simply evidence of the first and second marriages of the principal applicant and his wives, Dora Duke and Lizzie Allen,

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and of the legitimacy of the issue of said marriages, minor applicants herein. There is also filed herewith the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Henry Fuller, and the record therein shows that on September 16, 1901, the said Henry Fuller appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Hugh M. Fuller, an alleged Choctaw, (degree of blood not known), who married Martha Savage, a white woman, and who are the parents of this applicant.

The record in this case further shows that the applicant, Henry Fuller, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavit of John Lewis, (with affidavit of Henry Byington as inter-

preter); certified copies of the affidavits of Tobias Edwards, W. H. Thorn, Sr., and J. W. Scott; the ex parte affidavits of W. S. Holt, L. W. Savage, W. B. Savage and J. P. Hepsen; certified copies of the ex parte affidavits of I. T. Akers and T. B. Boren; a certificate of Vella Stewart relating to certain entries on pages 36, 89 and 134, of Volume VII, American State Papers; a certified copy of the certificate of T. D. Tayler regarding certain entries on pages 96 and 137, of Volume VII, American State Papers; and a certified copy of the ex parte affidavit of Catharine Franklin. By the oral statement of the applicant it is attempted to be shown that he was born in the state of Texas in about the year 1867, had never been a resident of Indian Territory, and while claiming Choctaw blood does not know in what degree he is possessed of same. He attempts to trace his alleged Choctaw descent through his father, Hugh M. Fuller, to his grandmother, Ann Fuller, to his great-grandmother, "Betsey", who, he alleges resided in the state of Mississippi. He further states that his grandmother, Ann Fuller, was married and the head of a family, and resided in Mississippi in the year 1830; that his father, Hugh M. Fuller, who is sixty-eight years of age, was not the eldest of her children by her marriage with Dave Fuller; that his great-grandmother, Betsey Ott, was also married and the head of a family in Mississippi in 1830, and there took land and signified her intention of remaining in Mississippi. But there is nothing in his testimony that tends to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of John Lewis, and the certified copy of the ex parte affidavit of Tobias Ed-

wards, it is attempted to be shown that they are respectively eighty and eighty-eight years of age; that affiants were acquainted with Betty Ott and her daughter Ann; that Ann married a white man named Dave Fuller, "Took their stay" and remained in Mississippi, living near the Tombigbee River, in Yancey Valley, Leflore's District; that Betty Ott and her daughter, Ann Fuller, were Choctaw Indians by blood; and that William Ott, the brother of Betty Ott, came with the first emigration to Indian Territory. But there is nothing in their affidavits that would tend to show any relationship existing between the applicant herein and the said Betty Ott or her daughter, Ann Fuller. By the certified copies of the ex parte affidavits of I. T. Akers and T. B. Boren, and the ex parte affidavits of L. W. Savage, W. B. Savage, J. P. Hopson and W. S. Holt, all residents of the state of Texas, it is attempted to be shown that affiants are acquainted with one H. M. Fuller, and were acquainted with his wife, Martha Ann Fuller, in her lifetime; that they were married about the year 1858, and that as the issue of such marriage were born Bill, Frank, Josie, (now Mrs. B. G. Harbert), John, (now dead, and who left two minor children, Dea and Ada), Henry, Mary, (now Mrs. J. T. Neal), Nettie and Tom Fuller; and that it was the general repute in the neighborhood in which they lived that they were possessed of a strain of Indian Blood. By the certified copy of the ex parte affidavit of J. W. Scott it is attempted to be shown that affiant is acquainted with Hugh M. Fuller, and knew his wife, Martha Fuller, during her lifetime, and that they were lawfully married; that he also knew said Hugh M. Fuller's father and mother, Dave and Ann Fuller, in 1843, and heard them say they were from Monroe County, Mississippi. By the certified copy of the ex parte affidavit of W. H. Thorn, Sr., it is attempted to be shown that affiant is seventy-seven years of age, a

citizen of Franklin County, Alabama, and is personally acquainted with Hugh M. Fuller, and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Alabama in 1839, and who were reputed to be of Indian descent. By the certified copy of the ex parte affidavit of Catharine Franklin it is attempted to be shown that affiant left Mississippi in 1832; that she was well acquainted with William Ott and his sister Betsey, in Yazoo Valley, Leflore's District, state of Mississippi, and that they were one-half blood Choctaw Indians; affiant says that Betsey Ott married a white man named Hugh Randolph and they had a daughter named Ann, who married a white man named David Fuller, and "Took their stay" and remained in Mississippi. But there is nothing in her affidavit which in any way connects the persons mentioned therein with the applicant herein, and there is nothing in any of the above affidavits that would tend to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certificate of Vella Stewart it is attempted to be shown that the name of one William Ott appears on pages 36, 89 and 134, of Volume VII, American State Papers. By the certified copy of the certificate of T. D. Taylor it is attempted to be shown that the name of one "Betsey" appears upon pages 96 and 137, of Volume VII, American State Papers. But there is nothing in the certificates above referred to which in any way connects the applicant herein with the said William Ott or "Betsey" referred to therein. From an examination of the record above cited it is found that the name of one William Ott does appear upon pages 36, 89 and 134, of Volume VII, American State Papers, Public Lands, and that the name of one "Bet-

sey" does appear upon pages 96 and 137, of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The records above referred to in no way relate to or show any compliance or attempted compliance on the part of the persons therein named with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence, as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Ethel Fuller, and the record therein shows that on September 16, 1901, the said Ethel Fuller appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Frank Fuller, an alleged one-eighth blood Choctaw, who married Dora Duke, a white woman, and who are the parents of this applicant.

The record in this case further shows that the applicant, Ethel Fuller, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name

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found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by a Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces a certificate of Vella Stewart, relating to certain entries to be found on pages 36, 89 and 134, of Volume VII, American State Papers; a certified copy of the certificate of T. D. Taylor, relating to certain entries to be found on pages 96 and 137, of Volume VII, American State Papers; certified copies of the ex parte affidavits of John Lewis, (with affidavit of Henry Byington as interpreter), W. H. Thorn, Sr., Tobias Edwards, J. W. Scott, W. R. Savage, J. P. Hopson, L. W. Savage, W. S. Holt, I. T. Akers and T. B. Boren; the ex parte affidavit of J. R. McNahan; a certified copy of the ex parte affidavit of Catharine Franklin; and a certified copy of the marriage license and certificate between Frank Fuller and Dora Duke, filed in the case of Frank Fuller, reference to which is granted and noted by the Commission. By the oral statement of the applicant it is attempted to be shown that he was born in the state of Texas in about the year 1880, had always been a resident of that state, and claims to be an one-sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through his father, Frank Fuller, to his grandfather, Hugh M. Fuller, to his great-grandmother, Ann Fuller, to his great-great-grandmother, "Betsey." He further states that the said "Betsey" and Ann Fuller, whom he alleges was an one-half blood Choctaw, were residents of Mississippi in 1830, and that the applicant had "been taught"

to believe that the said Ann Fuller was married and the head of a family in Mississippi in 1830; that the said "Betsey" registered in 1830, and her name was found on the rolls. But there is nothing in his testimony that tends to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copies of the ex parte affidavits of John Lewis and Tobias Edwards, it is attempted to be shown that they are respectively eighty and eighty-eight years of age; that affiants knew Betty Ott and her daughter, Ann; that Ann married a white man named Dave Fuller and remained in Mississippi, living in Leflore's District; and that Betty Ott and her daughter, Ann, were Choctaw Indians by blood; that William Ott, the brother of Betty, came to Indian Territory. But there is nothing in their affidavits which would tend to show any relationship existing between the applicant and the said Betty Ott or her daughter, Ann Fuller. By the certified copy of the ex parte affidavit of W. H. Thorn, Sr., it is attempted to be shown that affiant is seventy-seven years of age, a resident of Franklin County, Alabama, knows Hugh M. Fuller, and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Alabama in 1839, and who were reputed to be of Indian descent. By the certified copy of the affidavit of J. W. Scott it is attempted to be shown that affiant knows Hugh M. Fuller, (presumably the grandfather of applicant), and knew his wife, Martha Fuller, in her lifetime, and that they were lawfully married; that he also knew said Hugh M. Fuller's father and mother, Dave and Ann Fuller, in 1843, and heard them say they were from Monroe County, Mississippi. By the certified copies of the ex parte affidavits of W. B. Savage, J. P. Hopson, L. W.

Savage, W. S. Holt, I. T. Akers and T. D. Boren, it is attempted to be shown that affiants are acquainted with one H. M. Fuller, (presumably the grandfather of applicant), and knew said H. M. Fuller's wife Martha, in her lifetime, and that they were married in 1855, and one of the children born of such marriage was Frank Fuller, (presumably the father of applicant), and that it was the general repute in the neighborhood in which said Hugh M. Fuller and family resided that they were possessed of a strain of Indian blood. By the ex parte affidavit of J. R. McMahan it is attempted to be shown that his age is forty-two, and his post office address, Howe, Texas; that he is acquainted with Frank Fuller, and knew his wife, Dora Fuller, in her lifetime; that he knows Ethel Fuller, and knows him to be the son of said Frank Fuller and Dora Fuller. By the certified copy of the ex parte affidavit of Catharine Franklin it is attempted to be shown that affiant left Mississippi in 1832; that she knew William Ott and his sister, Betsey, in Leflore's District, state of Mississippi; that they were one-half blood Choctaw Indians; that Betsey Ott married a white man named Hugh Randolph of which marriage was born a daughter, named Ann, who married a white man named David Fuller, and remained in Mississippi. But there is nothing in her affidavit which in any way connects the applicant with the persons mentioned therein, and there is nothing in any of the said ex parte affidavits that tends to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certificate of Vella Stewart it is attempted to be shown that the name of one William Ott appears on pages 36, 89 and 134, of Volume VII, American State Papers, and by the certified copy of the certificate of T. D. Taylor it is attempted to be shown

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that the name of one "Betsey" appears upon pages 96 and 137, of Volume VII, American State Papers. But there is nothing in the certificates above referred to which in any way connects the applicant herein with the said William Ott or "Betsey" mentioned therein. From an investigation of the record above cited it is found that the name of one William Ott does appear upon pages 36, 89 and 134, of Volume VII, American State Papers, Public Lands, and also that the name of one "Betsey" does appear upon pages 96 and 137, of said Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The certified copy of the marriage license and certificate of James F. Fuller and Dora Duke filed in the case of Frank Fuller, and to which reference is made by consent of the Commission, is simply evidence of the marriage of said James F. Fuller and Dora Duke, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence, as it is simply a statement of the facts expected to be proven by him.

The last in order of the above applications is that of William D. Fuller, et al., and the record therein shows that on September 16, 1901, the said William D. Fuller appeared before the Commission at Atoka, Indian Territory, and there made personal applica-

tion for the enrollment of himself and his six minor children, Edith, Don C., Velma, Willie, Elbert and Ruth Fuller, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Hugh M. Fuller, an alleged Choctaw, (degree of blood not given), who married Martha Ann, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, William D. Fuller, and his six minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a certified copy of the marriage license and certificate of W. D. Fuller and E. R. Akers; a certified copy of the ex parte affidavit of John Lewis, (with affidavit of Henry Byington as interpreter); certified copies of the ex parte affidavits of Tobias Edwards, W. H. Thern, Sr., J. W. Scott, J. P. Hopsen, W. B. Savage, W. S. Holt, L. W. Savage, I. T. Akers and T. B. Boren; a certified copy of the certificate of T. D. Taylor relating to certain entries to be found on pages 96 and 137, of Volume VII, American State Papers; a certifi-

date of Vella Stewart relating to certain entries to be found on pages 36, 89 and 134, of Volume VII, American State Papers; and a certified copy of the ex parte affidavit of Catharine Franklin. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Texas in about the year 1855; never was at any time a resident of Indian Territory; and claims to be an one-eighth blood Choctaw. He attempts to trace his alleged Choctaw descent through his father, Hugh M. Fuller, to his grandmother, Ann Fuller, to his great-grandmother, "Betsey." It further appears from the testimony of the principal applicant that his grandmother, Ann Fuller, was married and the head of a family and living in Mississippi in 1830; that, as he says, "My father is sixty-eight years old, and he, having two brothers older than he, must have made his mother a married woman at that time" (1830). His father, Hugh M. Fuller, is shown in the testimony to have been born in 1832, in the state of Mississippi. But there is nothing in his testimony that would tend to show that his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copies of the ex parte affidavits of John Lewis and Tobias Edwards, it is attempted to be shown that they are respectively eighty and eighty-eight years of age, and were acquainted with Betty Ott and her daughter Ann; that Ann married a white man named Dave Fuller, and remained in Leflore's District, in Mississippi; that Betty Ott and her daughter, Ann Fuller, were Choctaw Indians by blood. By the certified copy of the ex parte affidavit of W. H. Thorn, Sr., it is attempted to be shown that affiant's age is seventy-seven years; that he is a citizen of Franklin County,

Alabama, is personally acquainted with Hugh M. Fuller, (presumably the father of principal applicant), and knows him to be the son of Dave Fuller and Ann Fuller, who resided in Alabama in 1839, and who were reputed to be of Indian descent. By the certified copy of the ex parte affidavit of J. W. Scott, it is attempted to be shown that affiant knows Hugh M. Fuller, and knew Martha Fuller, his wife, in her lifetime; that they were lawfully married; and that he had heard them say they were from Menree County, Mississippi. By the certified copies of the ex parte affidavits of J. P. Henson, W. B. Savage, W. S. Helt, L. W. Savage, I. T. Ahern and T. B. Beren, all residents of the state of Texas, it is attempted to be shown that they are acquainted with one H. M. Fuller, and knew his wife, Martha, in her lifetime; that they were married in about the year 1835, and as one of the issue of such marriage was born Bill Fuller, (presumably the principal applicant herein); and that it was the general repute in the neighborhoods in which H. M. Fuller's family lived that the members thereof were possessed of a strain of Indian blood. By the certified copy of the ex parte affidavit of Catharine Franklin, it is attempted to be shown that affiant was a resident of Mississippi until 1832; that she knew William Ott and his sister, Betty Ott in Leflore's District, state of Mississippi; that they were about one-half blood Choctaw Indians; that Betty Ott married a white man named Hugh Randolph, to whom a daughter was born, named Ann, who married a white man named Dave Fuller, and remained in Mississippi. But there is nothing in her affidavit that tends to connect the principal applicant with the persons named therein, and there is nothing in any of the above ex parte affidavits that tends to show that the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to

(41).

comply with the provisions of article fourteen of the treaty of 1830. By the certified copy of the certificate of T. D. Taylor it is attempted to be shown that the name of one "Betsey" appears upon pages 96 and 137, of Volume VII, American State Papers, and by the certificate of Vella Stewart it is attempted to be shown that the name of one William Ott appears on pages 86, 89 and 134, of Volume VII, American State Papers. But there is nothing in the certificates above referred to which in any connects the principal applicant herein with the said "Betsey" or William Ott, mentioned therein. From an examination of the record above cited it is found that the name of one "Betsey" does appear upon pages 96 and 137, of said Volume VII, American State Papers, Public Lands, and that the name of one William Ott does appear upon pages 86, 89 and 134, of Volume VII, American State Papers, Public Lands, in a list of names of Chectaw Indians, heads of families, who resided in Greenwood Leflore's District in the territory occupied by the Chectaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The records above referred to in no way relate to or show any compliance or attempted compliance on the part of the persons therein named with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The certified copy of the marriage license and certificate between W. D. Fuller and E. R. Akers is evidence only of the marriage of the principal applicant and his wife, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

Under departmental instructions of June 10, 1901, and July 25, 1901, the Commission to the Five Civilized Tribes consolidated the within applications under the head of "Hugh M. Fuller, et

al.," the applicants claiming through the same common ancestor.

The Commission, in view of the fact that the applicants in this group of consolidated cases have had sufficient time allowed them in which to present their testimony, considers this case as closed. The evidence offered in support thereof embraces the oral statements of the several principal applicants, given at the time of the making of the several applications, and the documentary evidence filed by them. By the evidence so submitted it is attempted to be shown that the common ancestor through whom these applicants claim their right to identification as Mississippi Choctaws is Betty Ott, the grandmother of the principal applicant in this group, who married a man named Randolph, and who, it appears, was, in 1830, living and the head of a family in the state of Mississippi. But, it further appears that her daughter, Ann Fuller, (nee Randolph), the mother of the principal applicant and a less remote common ancestor, was also living and the head of a family in the state of Mississippi in the year 1830, so that it is incumbent upon these applicants, in order that they may be identified as Mississippi Choctaws, to show that the said Ann Fuller, (nee Randolph), was, in 1830, a recognized Choctaw Indian, and that she complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, and this the applicants herein entirely fail to do, but, on the contrary, expressly state that she, the said Ann Fuller, never complied or attempted to comply with the provisions of said article fourteen of the treaty of 1830. There is filed herewith certificates of Vella Stewart by which it is attempted to be shown that the name of William Ott an alleged brother of Betty (or Betsey) Ott, the common ancestor of the applicants herein, appears on pages 36, 89 and 134, of Volume VII American State Papers, but there is no claim advanced of descent from

(45).

William Ott, or rights to identification through him, by any of the applicants, and such entries cannot avail applicants herein. There is also filed herewith certified copies of the certificate of T. D. Taylor, by which it is attempted to be shown that the name of "Betsey", which appears on pages 96 and 137, Volume VII, American State Papers, is intended for and is Betty (or Betsey) Ott, the common ancestor of applicants herein, but there is nothing in said record, or in the testimony or documentary evidence filed herein that would tend to indicate that the person "Betsey", appearing in said record, was the said Betty (or Betsey) Ott, and were it shown that the said mentioned "Betsey" was the common ancestor of applicants, Betty (or Betsey) Ott, then from the testimony in this case it is shown conclusively that Ann Fuller, the daughter of Betty Ott, and the mother of the principal applicant, was married, the head of a family, and living in Mississippi in 1830, and did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830. The record referred to in the certified copies of the certificate of T. D. Taylor, on pages 96 and 137, Volume VII, American State Papers, relates only to a Choctaw Indian named "Betsey", and even though the applicants were permitted to claim under said "Betsey" as intended for and being Betty (or Betsey) Ott, the said record referred to is simply a list of Choctaw Indians in the states of Mississippi and Alabama, who at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of article nineteen of said treaty, and in no way relates to or shows any compliance or attempted compliance on the part of the persons named with the provisions of article fourteen of the Treaty of Dancing Rabbit

Creek. It does not appear from the records of the Commission of those persons who did comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830, that any person by the name of Betty (or Betsy) Randolph, (nee Ott), or Ann Fuller, (nee Randolph), ever signified their intention to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, to comply with the provisions of article fourteen, or presented any claim as beneficiaries under said article to either of the commissions duly authorized by the acts of Congress of March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513), for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1898, (30 Stats., 495), is as follows:

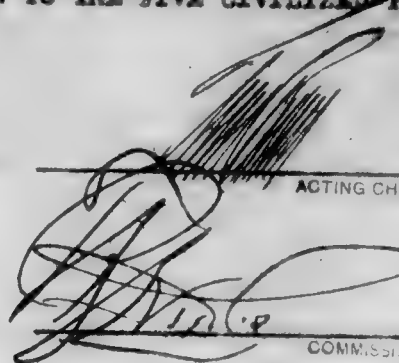
"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Dea Fuller, Ada Fuller, Josie Harbert, Arney M. Harbert, Nova Harbert, Arlene Harbert, Willa Harbert, Callaway Harbert, Tom Fuller, Mary E. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Benton Fuller, Doraidell Fuller, Chloel Fuller, Alma Fuller, Nordicka Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William D. Fuller, Edith Fuller, Ben C. Fuller, Velma Fuller, Willie Fuller, Albert Fuller and Ruth Fuller, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provision of law above quoted, and that the application for

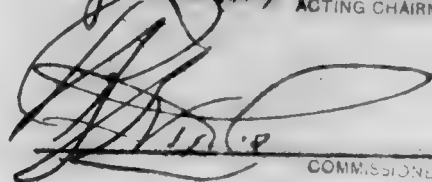
(45).

their identification as such should be refused, and it is so ordered.

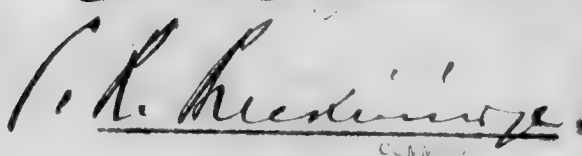
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.



COMMISSIONER.



C. R. Hedden.

Muskogee, Indian Territory,

JUN 10 1902.

Muskogee, Indian Territory, December 6, 1901.

A. Telle,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 3, inclosing certified copies of the affidavit of Catherine Franklin, which you say were handed to you by Mr. H. M. Fuller, for filing in support of his application for identification as a Mississippi Choctaw.

The same have been filed with the records in the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.	MC 3273
Josie Harbert, et al.	MC 3274
Tom Fuller,	MC 3275
Mary E. Neal, et al.	MC 3276
Nettie Fuller,	MC 3277
Frank Fuller, et al.	MC 3278
Henry Fuller,	MC 3556
Ethel Fuller,	MC 3556
William D. Fuller,	MC 3557.

Yours truly,

Commissioner in Charge.

Roff, I.T. May 18th 1902.

Hon. Dawes Commission,
Muskogee, I.T.

Sirs: My father Mr. H. M. Fuller died on the 18th of April 1902 and not knowing whether the fact of his death would have anything to do or prevent me in any way from being placed on the rolls of this Territory, I thought it best to inform you of the fact.

Yours truly,

Josie Harbert.

Miss. Choctaw 3273
Miss. Choctaw 3274

Muskogee, Indian Territory, May 23, 1902.

Jessie Harbert,

Hoff, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 16, in which you state that your father, H. M. Fuller, died on April 16, 1902, and ask if his death will affect your right to enrollment.

In reply to your letter you are advised that it appears from our records that Hugh M. Fuller and Jessie Harbert are applicants for identification as Mississippi Choctaws, and that no decision has yet been reached nor opinion rendered relative to their rights as such Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission. The death of your father, H. M. Fuller, has been made a matter of record, but will not affect any claim you might have to identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 3273

Muskogee, Indian Territory, June 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Hugh M. Fuller, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 10th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Hugh M. Fuller, et al.,	M C R	3273
Josie Harbert, et al.,	M C R	3274
Tom Fuller,	M C R	3275
Mary A. Neal, et al.,	M C R	3276
Hettie Fuller,	M C R	3277
Frank Fuller, et al.,	M C R	3278
Henry Fuller,	M C R	3555
Ethel Fuller,	M C R	3556
William D. Fuller, et al.,	M C R	3557

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies

-----2
of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs

(SIGNED).

T. B. Medaris.

1 enclosure

Commissioner in Charge.

COPY.

M C R 3273

Muskogee, Indian Territory, June 20, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R	3273
Josie Harbert, et al.,	M C R	3274
Tom Fuller,	M C R	3276
Mary E. Neal, et al.,	M C R	3276
Nettie Fuller,	M C R	3277
Frank Fuller, et al.,	M C R	3278
Henry Fuller,	M C R	3555
Ethel Fuller,	M C R	3556
William D. Fuller, et al.,	M C R	3557

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw land under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

N.M.A.C.-----2.

necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Dea Fuller, Ada Fuller, Josie Harbert, Arney H. Harbert, Nova Harbert, Arlene Harbert, Villa Harbert, Callaway Harbert, Tom Fuller, Mary J. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Newton Fuller, Donaldell Fuller, Chloel Fuller, Alva Fuller, Kordicka Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William O. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller and Ruth Fuller, as Cheeaw Indians entitled to rights in the Cocolaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in the time of such action as may be taken by him.

Yours truly,

Registered,

Commissioner in Charge,

COPY

M.C.R. 3273

Muskogee, Indian Territory, June 20, 1902.

Hugh M. Fuller,
Sherman, Texas.

Dear Sir:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Josie Harbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Mary E. Neal, et al.,	M C R 3276
Nettie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3558
Ethel Fuller,	M C R 3558
William D. Fuller, et al.,	M C R 3557

Said decision, after a review of the evidence submitted, concludes as follows:

'The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

T.M. 7.-----2.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Dea Fuller, Ada Fuller, Josie Harbert, Arney H. Harbert, Nova Harbert, Arlene Harbert, Willa Harbert, Callaway Harbert, Tom Fuller, Mary E. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Benton Fuller, Doraidell Fuller, Chloel Fuller, Alva Fuller, Nor-dicka Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William D. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller and Ruth Fuller, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYRESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 3273

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 20, 1902.

A. Telle,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Josie Harbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Mary E. Neal, et al.,	M C R 3276
Nettie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3555
Ethel Fuller,	M C R 3556
William D. Fuller, et al.,	M C R 3557

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 498) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the secretary of the

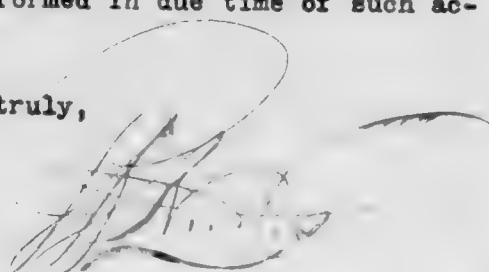
A. T. -----2.

Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Dea Fuller, Ada Fuller, Josie Harbert, Arney H. Harbert, Nova Harbert, Arlene Harbert, Willa Harbert, Callaway Harbert, Tom Fuller, Mary E. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Benton Fuller, Doraidell Fuller, Chloel Fuller, Alva Fuller, Nordicka Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William D. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller and Ruth Fuller, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,



Registered.

Commissioner in Charge.

Miss. Chootaw R3273

Muskogee, Indian Territory, July 3, 1902.

A. Telle,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 28, returning the notice of the decision in the consolidated Mississippi Chootaw case of Hugh M. Fuller, et al., and stating that you do not represent these applicants, but only appeared with them at the time of their original application. This information has been made a matter of record.

Yours truly,

Commissioner in Charge.

Land.
37, 024-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, October 3, 1902

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the consolidated Mississippi Choctaw case of Hugh M. Fuller, et al.,

The following cases are consolidated therein:

Hugh M. Fuller, et al.,

Josie Harbert, et al.,

Tom Fuller.

Mary E. Neal, et al.,

Nettie Fuller.

Frank Fuller, et al.,

Henry Fuller.

Ethel Fuller.

William D. Fuller, et al.,

The record evidence shows that all of the applicants herein claim to be descendants of a common ancestor by the name of Betsey Ott; that said Betsey Ott was about one-half blood Choctaw Indian

and lived in the State of Mississippi near the Tombigbee River in the Yazoo valley in the Le Flore district; that she married a white man by the name of Hugh Randolph and that they had as the offspring of said marriage a daughter named Ann Randolph who married a man by the name of David Fuller, and that all of the applicants herein trace their lineal descent to said parties as common ancestors.

There is nothing in any of the record evidence which tends to show that any of the ancestors of the applicants ever complied with the provisions of the 14th article of the treaty of 1830, excepting the said Betsey Ott. It is claimed that she did comply with said article and that she received lands in the State of Mississippi by reason thereof. The only record evidence submitted in behalf of this claim worthy of consideration is on page 189 of the record wherein it is shown that on page 96 of American State Papers, Volume 7, pertaining to public lands and the registration of Mississippi Choctaws, there appears, among other things, an entry showing that an Indian woman by the name of Betsey had six acres of cultivated land and was entitled to a location by reason thereof and did locate and was allowed 80 acres.

The office records show that this Betsey was a 19th article

Choctaw Indian and the fact that she was allowed 80 acres on the basis of having six acres in cultivation also shows that she was a 19th article Choctaw.

There is nothing in the record evidence that shows that the said Betsey and Betsey Ott are one and the same person, but conceding that to be true, the very record cited in support of the claim of the applicants showing the alleged ancestor to be a 19th article Choctaw necessarily defeats their claim.

This being true, the office does not deem it necessary to review the remaining testimony and recommends that the decision of the commission rejecting the claim of the applicants for identification as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,
Commissioner.

(W.C.B.)

P.

D. C. 18582-1902.

C O P Y

DEPARTMENT OF THE INTERIOR,

MAF.

Washington.

ITD.6077-1902.
L.R.S.

October 10, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

June 20, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaw, to wit: Hugh M., Dea and Ada Fuller; Josie, Arney H., Nova, Arlene, Willa and Callaway Harbert; Tom Fuller; Mary E., Katie, Effie and Culbertson Neal; Nettie, Frank, Bertha, Benton, Doraidell, Chloel, Alva, Nordicka, Mary, Isora, Henry, Ethel, William D., Edith, Don C., Velma, Willie, Elbert and Ruth Fuller.

The applicants endeavor to trace their descent from one Betty Ott, alleged to have been a Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said Betty Ott or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts

-2-

of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You, therefore, refused the applications June 10, 1902.

Forwarding the papers October 3, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Having carefully reviewed the whole record, the Department affirms your decision.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.
RND

1 inclosure.

COPY.

M.C.R. 3273

Muskogee, Indian Territory, October 21, 1902

Dea Fuller,
725 S. Travis St.,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh W. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June 1902.

Respectfully,

Tams Dixby.
Acting Chairman.

COPY.

H. J. D. 5278

Muskogee, Indian Territory, October 21, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of October 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh M. Fuller, et al., of which decision you were advised by mail on the 20th day of June 1902.

Respectfully,

(SIGNED)

Acting Chairman.

COPY.

M.C.R, 3273

Muskogee, Indian Territory, October 21, 1902

A. Telle,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh M. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

(SIGNED).

Tame Dixby.
Acting Chairman.

Consolidated Case
of
Hugh M Fuller et al,
McR 3273.

FREEDMEN. ROLL.

FATHER'S TRIBAL ENROLLMENT	FATHER'S OWNER	MOTHER	NAME	Y	YEAR	TOWN	No.
----------------------------	----------------	--------	------	---	------	------	-----

Betty Ott, chr. ?
married
Hugh Randolph W.

Ann Randolph ?
married
Dave Fuller, Dead

Hugh M. Fuller, 68. (?)
wife
Martha Ann Fuller, Dead

J. L. Fuller (3) Dead
wife
Ida Fuller, Living

Dea Fuller, 14
Ada Fuller, 11

William D Fuller, 46. 78
married
Elsie R. Akers

Edith Fuller, 20
Don C. Fuller, 18
Velma Fuller, 14
Willie Fuller, 9
Elbert Fuller, 7
Ruth Fuller, 4

Frank Fuller, 44, 78
wife

(1) Dora Fuller, Dead
(2) Lizzie Fuller, living

Ethel Fuller, 21. 76
Bertha Fuller, 19
Benton Fuller, 15
Doraidell Fuller, 9
Chloel Fuller, 7
Alva Fuller, 5
Noddicka Fuller, 4
Mary Fuller, 2
Isora Fuller, 6 mos.

Josie Fuller, 42, 78
married
Benjamin Callaway Harbert

Arney H. Harbert, 17
Nova Harbert, 15
Arlene Harbert, 13
Willa Harbert, 8
Callaway Harbert, 10 mos.

Mary E. Fuller, 36, 78
married
James Thomas Neal

Katie Neal, 17
Effie Neal, 12
Culbertson Neal, 1

Henry Fuller, 34, (1)
wife
Sallie Fuller,

Nettie Fuller, 29, 78
Tom Fuller, 27, 78

No. 3273

For Identification as a Mississippi Choctaw.

Date AUG 19 1901

Name Hugh M. Fuller

Age 68 Blood don't know

Post Office, Sherman Texas

775 Travis St.
Father: Lave Fuller (dead)

Mother: Ann Fuller (dead)

Claims through mother
wife: Martha Ann Fuller (dead)

Children:

Dea Fuller 14

Ada " 11

Father:

J. L. Fuller (dead)

Mother: Ada Fuller

Children claim through father

Claims for self and 2 grand
children

Stenographer

H. Rosemontal

Choctaw MCR 3274

Josie Harbert

See MCR 3273

MCR 3274

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 19, 1901.

3274

In the matter of the application of Josie Harbert and her five minor children for identification as Mississippi Choctaws.

Applicant represented by Attorney A. Telle.

Josie Harbert being first duly sworn testified as follows:

Examination by the Commission-

- Q What is your name? A Harbert.
Q Your full name? A Josie--J-o-s-i-e.
Q How do you spel that last name? A H-a-r-b-e-r-t.
Q How old are you? A I am forty-two.
Q Where do you live? A Sherman Texas.
Q How long have you lived in Texas? A All my life.
Q Born there? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Never lived in Mississippi? A No sir.
Q What is your street address? A 302 Tennessee street.
Q What is your father's name? A Hugh M. Fuller.
Q Your father living? A Yes sir.
Q What is your mother's name? A Martha Ann Fuller.
Q Your mother living? A No sir.
Q Through which one of your parents do you derive your Choctaw blood? A Mi father.
Q How much Choctaw blood do you claim? A Well I don't know.
Q Are you a Choctaw Indian? A I don't know that I have any way of knowing. I know what it is if my father's grand mother was a full blooded Indian then my great grandmother would be one-half and then my father would be one-quarter and I one-eighth.
Q Is that the amount of Choctaw blood that you claim? A Yes that is if she was a full blood.
Q Are you married? A Yes.
Q What is your husband's name? A B. C. Harbert.
Q What is his full name? A Benjamin Callaway.
Q Is he living? A Yes.
Q Is he a white man? A Yes sir.
Q Make any claim for him? A No sir.
Q Where did you marry him? A In Sherman Texas.
Q Have you any children? A Yes sir.
Q How many? A Five.
Q Are they under twenty-one years of age and unmarried? A Yes sir.
Q What are their names and ages? A Arney H.- A-r-n-e-y-
Q How old? A Seventeen years, Nova--N-o-v-a.
Q How old? A Fifteen years, Arlene--A-r-l-e-n-e.
Q How old? A Thirteen, Willa--W-i-l-l-a- 8 years old.--Callaway.
Q C-a-l-l-a-w-a-y? A Yes ten months old.
Q Do you want to apply for these children? A Yes sir.
Q You are the mother of all five of them? A Yes sir.
Q Benjamin Callaway Harbert the father of all five of them? A Yes sir.
Q you have never been married but once? A Yes sir.
Q Children all living with you at home? A Yes sir.

- Q These children were born in and always lived in Texas? A Yes sir.
- Q Have you or your children ever been enrolled by the Tribal Authorities of the Choctaw Nation? A No.
- Q Did you or did any one for you or your children ever make application to the Choctaw Tribal Authorities to be enrolled as citizens of the Choctaw Nation? A No.
- Q In 1896 this Commission was empowered, as was also the Choctaw Tribal Authority by the act of June 10th, 1896 to hear and determine original applications for citizenship in the Choctaw Nation. Did you or did any one for or your children make application to the Authority of the Choctaw Tribe or to this Commission at that time? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or this Commission? A No sir.
- Q Have you ever made application of any description to either the Choctaw Tribal Authorities or the Authorities of the United States prior to this time to have yourself or your children enrolled as members of the Choctaw Tribe? A No sir.
- Q This is the first application you have ever made? A Yes.
- Q I understand it is now your intention or purpose to make application for yourself and your five minor children for identification as Mississippi Choctaws? A I don't know that I understood that.
- Q I understand that it is now your intention or purpose to make application for yourself and your five minor children for identification as Mississippi Choctaws? A Yes sir.
- Q You claim your right, for yourself and children, to be identified as Mississippi Choctaws as beneficiaries under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes sir.
- Q You understand what that article of the treaty is? A I think I do, but if it is convenient I would like to hear it read.

The treaty of eighteen hundred and thirty was an agreement entered into between the United States and the Choctaw Indians then residents of the States of Alabama and Mississippi and provided for the removal of that tribe from the territory occupied by them in these two States to some territory West of the Mississippi River. It was impossible for the United States Commissioners to formulate or submit any agreement to the representatives of the Choctaw Tribe that was favorable to them that did not contain a provision for those Choctaws who desired to remain in the Country then occupied by them and not remove to the Country which the Government desired to select for them. After numerous negotiations an agreement was reached which was incorporated in the treaty of eighteen hundred and thirty providing for those Choctaws who wanted to remain in Mississippi and Alabama. This article of the treaty of eighteen hundred and thirty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of

age and quarter section to such child as may be under ten years of age to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This treaty was entered into on September 27th eighteen hundred and thirty but it was some four months before any Commissioner or Agent was designated by the government to receive the declarations or applications of those Choctaws who desired to take advantage of this fourteenth article of the treaty. After the expiration of six months required in which the Indians could signify their intention the United States Indian Agent to the Choctaws submitted to the Authorities at Washington a list of Choctaw Indians who had signified their intention to remain. It developed however that instead of one-hundred and forty heads of families as reported by him there still remained in the States of Mississippi and Alabama some 7000 full blood Choctaw Indians, a large number of which claimed benefits under the fourteenth article of the treaty of eighteen hundred and thirty. Complaint was made to the Authorities at Washington that the Agent had not complied with his duties and in 1837 Commissioners were appointed to adjudicate these claims. In 1842 another Commissioner was appointed and both of these Commissions did report to the then Secretary of War numerous persons whose claims they thought should be allowed under this fourteenth article of the treaty. Numerous of these claims were recommended by the Secretary of War to Congress and in 1842 Congress passed an act providing for the adjudication and settlement of the claims arisen under under this fourteenth article of the treaty of eighteen hundred and thirty. The government then had in its possession large tracts of land in Mississippi, Arkansas, Louisiana and Alabama and in settlement of these claims issued to these Indians scrip at a value of fifty cents to the acre which was redeemable by the government for public lands in these four States.

- Q Now in order for and your children to be properly identified as Mississippi Choctaws, entitled to allotment in the Choctaw Nation in the present Indian Territory it is necessary that you show conclusive proof that you are a descendant of one of those Choctaw Indians who was in Mississippi, recognized as a member of the tribe and was entitled to land in the allotment of lands in Mississippi at the time of the conclusion of this treaty, September the 27, 1830. You have stated that you were born in Texas and have always lived there, that you claim your Choctaw blood through your father, Hugh M. Fuller. He is living is he?
- A Yes sir.
- Q Do you know where he has been living during your life time? A Yes he is living in Texas.
- Q Do you know how long before you were born he came to Texas? A No sir.
- Q Where did he come from to Texas? A I think from Alabama.
- Q How old is your father? A He is sixty-eight.
- Q Do you know anything about his father and mother? A No sir I do not.
- Q Do you know anything about any of your ancestors residents in the State of Mississippi seventy-one or two years ago at the time of the treaty of Dancing Rabbit Creek between the Choctaws and the

United States Government? A No I have no way of knowing that.

Q What is your father's ~~name~~ mother and father's name? A My father's mother's name was Ann Randolph.

Q Was she a Choctaw Indian? A I don't know whether she was or not.

Q Through which one of your father's parents did he derive his Indian blood? A Why his mother.

Q His father was a white man? A Yes.

Q Do you know anything about Ann Randolph? A I know she was the daughter of Bettie Ott.

Q Now Ann Randolph was your grandmother, your father's mother, and the person through whom you derive your Choctaw blood? A Yes sir.

Q Your father you say is sixty-eight years old? A Yes.

Q Did he have any brother's or sisters older than he? A Yes.

Q Do you know when Ann Randolph died? A Yes I know.

Q About how long ago was it? A I could not say I was a very ~~small~~ small child.

Q Well give me some idea about how long ago if you can? A Well I really don't know, I don't think it I was more than ~~six~~ eight or ten years old tho'.

Q How old a woman was Ann Randolph when she died? A I don't know how old she was, I think somewhere along about sixty or seventy years.

Q Then if she were living now she would be considerable over ninety years old? A Yes I guess so.

Q Then at the time of this treaty of Dancing Rabbit Creek she was a ~~xx~~ married woman and had children of her own? A I don't know.

Q That was seventy years ago, if she were living now she would be about 95 years old you say? A Well I have never thought about her age very much.

Q Well that is from your statement. You say you were about 7 or 8 years old when she died and that she was about 60 years old when she died, then seventy years ago she would have been twenty-five years old? A Yes I believe that is about correct.

Q Now your own father is sixty-eight years of age? A Yes.

Q And he had older brother's and sisters the children of Ann Randolph? A Yes sir.

Q And Ann Randolph was a grown person and had a family of her own in 1830? A I don't know.

Q She must if your father is sixty-eight years of age and she had older children? A Yes I guess so.

Q Where was Ann Randolph living in 1830? A I do not know.

Q Have you any evidence of the fact that she was living in Mississippi? A I don't know.

Q Did she ever live within the territorial limits of the old Choctaw Nation in Mississippi? A I don't know where she lived. I know she lived in Alabama and it was my understanding that she came from Mississippi.

Q Have you any witnesses who can testify to the fact of Ann Randolph residence in Mississippi? A I think so.

Q Who are they? A Well I don't know just who they are. Do you mean you want them brought here in Person.

Q I would like to have them brought here in person. The fact that it is necessary for you to establish now is that Ann Randolph was a recognized Choctaw Indian and lived in Mississippi September the twenty-seventh eighteen hundred and thirty, that she did not leave there within six months after that but signified her intention to the Indian Agent of remaining there in Mississippi within six months after the ratification of the treaty. Now have you any witnesses who can testify materially on that point? A I do not know.

- Q You can produce evidence that you are the grandchild of Ann Randolph? A Yes.
- Q Did Ann Randolph ever receive any land from the United States under this treaty of eighteen hundred and thirty? A Not that I know of.
- Q Have you any additional statements that you desire to make at this time or have you any witnesses here in person whose testimony you desire to introduce? A No I don't think so.
- Q Did Ann Randolph ever have a Choctaw name? A I don't no sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Have you any documentary evidence, any affidavits, or copies of records, deeds or petitions, or any papers showing that Ann Randolph or any of your ancestors have ever been recognized as members of the Choctaw Indians or have ever received any benefits under the fourteenth article of the treaty of eighteen hundred and thirty? A Have I any papers that they ever received any?
- Q Yes? A No sir.
- Q You have no further statements that you desire to make at this time or any documentary evidence that you desire to submit? A No I don't think so but I have some papers that I wish to file.

Attorney Telle here states that he will submit papers and documentary evidence later.

The applicant is apparently white and unable to speak the Choctaw language.

- Q Do you want to file these papers Mrs. Harbert? A Yes.

The applicant offers in evidence and the same is marked exhibit "A" filed and made a part of the record in this application, documentary evidence consisting of the petition of Jessie Harbert and certified copies of affidavits of Tobias Edwards, John Lewis, J. W. Scott, J. H. Armstrong, J. P. Hopson, W. B. Savage, W. S. Holt, L. W. Savage, I. T. Akers and T. B. Beren, also certificate of Vella Stewart as to extract of certain records found on page 36, of vol. 7, also certified copy of the certificate of T. B. Taylor as to certain extracts found on page 96, American State Papers volume 7, pertaining to public lands and register of Mississippi Choctaw Indians.

- Q Do you do all of these affidavits who have sworn to these affidavits? A No sir.
- Q Is there any additional statement that you want to make? A No sir.

Hugh M. Fuller being called as a witness duly sworn testified as follows.

- Q What is your name? A Hugh M. Fuller.
- Q What is your age? A Sixty-eight.
- Q What is your post office address? A Sherman Texas.
- Q Are you an applicant for identification before this Commission as a Mississippi Choctaw? A Yes sir.
- Q Do you know Jessie Harbert the woman who now makes application? A Yes sir.
- Q What relation is she to you? A She is my daughter.

Witness Excused.

4. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Rosenwinkel

Subscribed and sworn to before me this 4th day of October 1901.

Charles H. Sawyer

Notary Public.

Muskegee, Indian Territory, October 3, 1901.

Josie Harbert,

Roff,

Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of September 23rd, in which you advise that your future Post Office address will be Roff, Indian Territory.

This change in address has been made a matter of record.

Yours truly,

M.C. 3274.

Muskogee, Indian Territory, October 16, 1901.

Honorable John D. Benedict,

Superintendent of Schools in

Indian Territory,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant requesting to be advised whether or not certain children named therein have been listed for enrollment by this Commission as citizens by blood of the Choctaw Nation, and if so whether by order of the United States Court or otherwise.

You are informed that it does not appear from the records of this office that any person by the names of Nova Arlean, or Villa Harbert have been listed for enrollment as citizens by blood of the Choctaw Nation.

The records do show, however that on August 19, 1901, Josie Harbert, appeared before the Commission at its office in Atoka, Indian Territory, and made application for the identification of herself and her minor children, May, Nova, Arlean, Villa, and Galloway Harbert, as Mississippi Choctaws.

No decision has yet been rendered by the Commission.

L. D. B. 48.

relative to her application.

Yours truly,

Acting Chairman.

L. C. R. 3274.

Muskogee, Indian Territory, December 3, 1901.

Jessie Harbert,

Roff, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 27, in which you ask concerning the status of your application for identification as a Mississippi Choctaw. In reply to your letter, you are advised that it appears from our records that on August 19, 1901, at Atoka, Indian Territory, you applied for identification for yourself and your five minor children as Mississippi Choctaws. No decision has yet been reached or opinion rendered relative to your rights as such Mississippi Choctaws, and it is impossible to say, at this time, when your case will be taken up for consideration. Until the application is taken up for consideration and a decision reached, no opinion can be rendered with regard to your application for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

Miss. Chestaw 3373
Miss. Chestaw 3374

Mustagee, Indian Territory, May 23, 1902.

Jessie Harbert,

Reff, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 10, in which you state that your father, H. M. Fuller, died on April 10, 1902, and ask if his death will affect your right to enrollment.

In reply to your letter you are advised that it appears from our records that Hugh M. Fuller and Jessie Harbert are applicants for identification as Mississippi Chestaws, and that no decision has yet been reached nor opinion rendered relative to their rights as such Mississippi Chestaws. As soon as a decision is reached you will be notified of the action of the Commission. The death of your father, H. M. Fuller, has been made a matter of record, but will not affect any claim you might have to identification as a Mississippi Chestaw.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 3274

Muskogee, Indian Territory, June 20, 1902.

Jonie Harbert,

Hoff, Indian Territory.

Dear Madam:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Jonie Harbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Harry E. Neal, et al.,	M C R 3276
Nattie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3556
Ethel Fuller,	M C R 3557
William D. Fuller, et al.,	M C R 3557

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1898 (30 Stat., 491) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Indians, concluded September twenty-seventh, eighteen hundred and thirty, and to that end to receive and examine evidence, and to report all other facts necessary to be ascertained in the execution of the treaty."

J.H.-----2.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Don Fuller, Ada Fuller, Jessie Harbert, Arney H. Harbert, Neva Harbert, Arlene Harbert, Villa Harbert, Galloway Harbert, Tom Fuller, Mary E. Neal, Katie Neal, Effie Neal, Culbertson Neal, Mattie Fuller, Frank Fuller, Martha Fuller, Benton Fuller, Doraideell Fuller, Chisol Fuller, Alva Fuller, Nordieha Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William E. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller and Ruth Fuller, as Cheataw Indians entitled to rights in the Cheataw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

OOP.

M.C.R. 3274

Muskogee, Indian Territory, October 21, 1902

Josie Harbert,

Roff, Indian Territory.

Dear Madam:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh H. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June 1902.

Respectfully,

(SIGNED)

Tame Dixby

Acting Chairman.

M.C.R. 3274

Muskogee, Indian Territory, November 23, 1902.

Jessie Harpert,

Moff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you state that you desire to get certified copies of the papers and records in the Mississippi Choctaw census of yourself, your father, H. H. Fuller, and Miss Nettie Fuller, and ask how you should proceed to procure the same.

In reply you are advised that if you will name some responsible notary public whom you have authorized to make certified copies of the records you refer to, he will be allowed access to said records for the purpose of making copies thereof.

Respectfully,

Acting Chairman,

MCR 3274

Muskogee, Indian Territory, January 17, 1906.

Josie Harbert,

Roff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you request to be advised if the "new ruling" in Choctaw and Chickasaw cases affects your case.

In reply you are informed it appears from our records that you are a rejected Mississippi Choctaw applicant, your case having been closed since October 10, 1902. You are further advised that no new rules have been promulgated which affect Mississippi Choctaw cases.

Respectfully,

Commissioner.

INDEXED.

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
13814 1901	SEP 23 1901	Book	Page

Carbut, Josie

Ruff, J. T.

CHICKASAW

Sept 23/01.

OCT 3 1901

Giving J. C. address.

MAR 3 1901

Roff I Y Sept 28 1901
Hon Laws com
Atoka I Y
Dear Sirs

Some time ago I was before
your body for identification as a
Mississippi Choctaw and you instructed
me if I changed my Postoffice to
notify you

In confidence of my right of
citizenship I shall locate land near here
and will start my children to the
Indian School at this place as soon as
I can make arrangements to do so

My Post office is Roff Indian Territory
Hoping that I may hear from
you favorable to my case in the
near future I remain yours Truly
Josie Herbert
Roff I Y

No. **3274**

For Identification as a Mississippi Choctaw.

Date **AUG 19 1901**

Name *Josie Harbert.*

Age *42.* Blood *1/8.*

Post Office, *Sherman, Texas.*
302 Des Moines, Iowa.

Father: *Hugh M. Fuller - ✓*

Mother: *Martha Ann Fuller - dead.*

Claims through *Father*

MARRIED: *Bert C. Harbert - ✓*

(no claim for husband).

Children:

S. Arney Harbert	17.
D. Nova "	15.
Arlene "	13.
Willie "	8.
Calloway "	10 mo.

Claims for self and 5 children.

Stenographer

A. Rosenwinkle.

Choctaw MCR 3275

Tom Fuller

See MCR 3273

MCR 3275

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. August 19, 1901

3275

In the matter of the application of Tom Fuller for recognition as a Mississippi Choctaw.

Applicant represented by Attorney A. Gelle.

Tom Fuller being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Tom Fuller.
Q How old are you? A Twenty-seven.
Q What is your post-office address? A Sherman Texas.
Q Any street number? A West Tennessee street, I have no number.
Q How long have you lived in Sherman? A I was born in Sherman.
Q And always resided in Texas? A Yes sir.
Q Never have maintained a residence in the Indian Territory or the State of Texas? A No sir.
Q What is your father's name? A Hugh M. Fuller.
Q Your father living? A Yes.
Q What is your mother's name? A Martha Ann Fuller.
Q Your mother living? A No sir she is dead.
Q Through which one of your parents do you claim your Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A Well I don't know.
Q Was your father a full blood Choctaw Indian? A No sir.
Q How much Choctaw was he? A I don't know.
Q Well how much Choctaw blood do you claim. Are you a full blood? A No sir.
Q How much do you claim. You are making your statement here claiming as a Choctaw Indian. I would like to know how much Choctaw you are? A I can't answer that I can only say under whom I claim Indian blood.
Q Well how much? A I can't answer that I don't know.
Q You are not a full blood? A No sir.
Q One-half blood? A No I don't know that I have any way to tell.
Q I would like to have some statement from you as to the quantity of Choctaw blood that you think you possess? A I can't tell you only if my grandfather was a full blood Choctaw then I would be about one-eighth that is the way that I am sure of it.
Q Are you married? A No.
Q Is your wife a white woman? A Yes sir.
Q Have you any children? A No.

- Q Just applying for yourself alone? A Yes sir.
- Q Have you ever been enrolled by the Choctaw Tribal Authorities as a citizen of that tribe? A A No sir.
- Q You never have lived in the Indian Territory in the Choctaw Nation have you? A No sir.
- Q Have you ever made application to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a citizen of the Choctaw Nation? A No sir I have not.
- Q In 1896 the Choctaw Tribal Authorities and this Commission were empowered by an act of Congress of June 10th, 1896 to hear and determine original applications for citizenship in the Choctaw Nation. Did you or did any one for you make application to either the Choctaw Tribal Authorities or the Commission to the Five Civilized Tribes at that time for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or this Commission? A No sir.
- Q Have you ever made application or has any one for you made such application for citizenship or enrollment as a member of the Choctaw Nation prior to this time? No sir.
- Q The application you now make is for identification as a Mississippi Choctaw? A Yes sir.
- Q You claim your rights as a beneficiary under the provisions of fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
- Q You understand what that article is? A Yes I understand it.
- Q You have heard it fully explained just now? A Yes I heard it explained just now.

The applicant was present and heard the fourteenth article of the treaty of eighteen hundred and thirty and the subsequent action of the United States government therein explained to his sister, an applicant for identification as a Mississippi Choctaw Josie Harbet, M.C.R. 3274.

- Q Now you state that you are twenty-seven years of age, and have always lived in the State of Texas? A Yes sir.
- Q Your father's name is Hugh M. Fuller? A Yes sir.
- Q And through him you claim your Choctaw blood? A Yes.
- Q How old is your father? A Sixty-seven.
- Q He has always lived in Texas? A No sir.
- Q Where did he come from to Texas? A From Alabama.
- Q When did he come to Texas? A I don't know when he did come to Texas? A
- Q You know what your father's parents names were? A Yes sir.
- Q What were they? A Hugh Randolph and Ann Randolph.
- Q Which one of them was a Choctaw Indian? A Ann Randolph.
- Q That is your grandmother, your father's mother? A Yes sir.
- Q And through her you claim your right as a Mississippi Choctaw, is that correct? A Yes as a descendant.
- Q Do you remember Ann Randolph? A No sir.
- Q Do you know anything about her? A No I do not only she is my grandmother. She died before I was born.
- Q How long before you were born? A She died before I was born. I was past three or four years when she died.
- Q How old a woman was she when she died? A Possibly somewhere about sixty-three or four.

- Q Where did she die? A I don't know that.
 Q Do you know that she is dead? A That is only hearsay I could not even swear that she is dead, because I don't remember of ever seeing her.
 Q Was she living in Mississippi in eighteen hundred and thirty and the time this treaty was made between the United States and the Choctaw Tribe of Indians? A It is my understanding that she did.
 Q Whereabouts was she living? A I don't know that.
 Q How did you understand that she was living there? A I understood that through my father.
 Q Is your father here? A Yes sir.
 Q I would like to hear him testify?

Applicant excused.

Hugh M. Fuller being called as a witness, first duly sworn testified as follows:

- Q What is your name? A Hugh M. Fuller.
 Q How old are you? A Sixty-eight.
 Q Where do you live? A Sherman, Graysen County, Texas? A Yes sir.
 Q Are you an applicant before this Commission for identification as a Mississippi Choctaw? A Yes sir.
 Q Do you know Tom Fuller this applicant? A Yes sir.
 Q What relation is he to you? A He is my son.
 Q You say you are sixty-eight years old? A Yes sir.
 Q Where you born in Mississippi? A Yes sir.
 Q What County? A Monroe County I think.
 Q Your mother's name was Ann Randolph? A Yes before she was married to my father Dave Fuller.
 Q Have you any brother's and sister's older than you are? Yes I did have but they are dead now all but one.
 Q How long has your mother been dead? A I don't know. She died in Alabama when I was in Texas. I think it was in seventy-one.
 Q How old was she when she died? A I don't know.
 Q About how old? A I might miss it, I don't hardly like to approximate it. I think I was her fifth child after her marriage.
 Q How much older than you was her oldest child? I don't know that.
 Q How much older than you than you was your eldest brother or sister? A I don't know.
 Q About how old. You must have known your brothers and sisters? My father died when I was young.
 Q How young? A Fourteen years old.
 Q How old was your oldest brother when your father died? A I don't know that.
 Q About how old? Give me some idea. I want to know whether you had brothers forty years older than you or five or ten years older. I want to get some idea of Ann Randolph's age at the time of this treaty. How much older than you was Ann Randolph's first child? A Well I would suppose it would be safe to say one and one half years between the children.
 Q Well say your oldest brother was six years older than you? Yes I expect he was.
 Q Then your mother's name in eighteen hundred and thirty was Ann Fuller was it not? A Yes sir.

- Q Was Ann Fuller living in Mississippi and was she a recognized member of the Choctaw tribe of Indians at the time the treaty was made between the United States and the Choctaws in eighteen hundred and thirty? A If you will devide that a little I will answer it.
- Q Was your mother Ann Fuller living in the State of Mississippi in eighteen hundred and thirty? A Yes sir.
- Q Whereabouts? A I think in Monroe County.
- Q Where is Monroe County? A On the Tombigbee River, I am not positive about that?
- Q Did your mother speak the Choctaw language? A No I never heard her talk it.
- Q Was she ever recognized as a member of the Choctaw Tribe of Indians there in Mississippi? A Not that I know of, because I was not born unt il two years after that.
- Q Where was she living when you was born? A In Monroe County.
- Q In Mississippi? A Yes sir.

Witness Excused.

Applicant re-called /

- Q Did any of your ancestors ever claim or receive any land under provisions of the fourteenth article of the treaty of eighteen hundred and thirty, in Mississippi? A That is my under standing that they did.
- Q Whereabouts? A Whereabouts.
- Q Yes? A You mean where they did?
- Q Where did they receive the land? A I don't understand that.
- Q You understood the first question did you not? A Yes sir.
- Q Well if ~~the~~ you understood that they got land there, where was it located? A In Mississippi.
- Q Whereabouts in Mississippi? A I believe it was in LaFlores district.
- Q Who received the land? A Why-- who received the land?
- Q Yes? A Betty Ott.
- Q Who was Betty Ott? A She was the mother of Ann Fuller my grandmother.
- Q You are claiming your rights from this Bettie Ott? A Yes sir a descendant of Betty Ott.
- Q Why do you claim your rights through Betty Ott; Was not your own grandmother at the time of the making of this treaty at the head of a family and children of her own? A I don't know about that.
- Q You have heard your father testify to that effect? A Yes I heard that.
- Q Well where was your grandmother at the time of the making of this treaty? A I could not know that.
- Q You understand that the fourteenth article of the treaty gave this right to each head of a family to signify their intention of remaining etc.,? A Yes I understand that.
- Q Now your father has testified that your grandmother, Ann Fuller, was the head of a family at this time, is that correct? A Yes.
- Q Now why do you go back to Betty Ott your great grandmother? Where was your own grandmother at that time? A I don't know where she was whether she was in Mississippi or not.
- Q Now that is what I want to find out? A I don't know that.

- Q Have you any witnesses that could testify materially to that effect, that is that she was in Mississippi in the Choctaw Nation at that time? A No I have not.
- Q You are only making this application for your self? A For myself.
- Q Have you any additional statements that you desire to make? I don't know that I have.
- Q Have you any documentary evidence, any copies of records deeds, patents, or any other papers of any description that would show whether your ancestors have been recognized as members of the Choctaw Tribe of Indians or that they ever complied or attempted to comply with the fourteenth article of the treaty of eighteen hundred and thirty? A I have some affidavits?
- Q Do you want to file them now? A Yes.

The applicant offers in evidence and there is marked exhibit "A" filed and made a part of the record in this case, certain documentary evidence consisting of the petition of Tom Fuller of the 19th of August 1901, and certified copies of affidavits of Tobias Edwards, certified copy of affidavit of John Lewis, certified copy of affidavit of J. W. Scott, certified copy of affidavit of J. M. Armstrong, certified copy of affidavit of J. P. Hopson, certified copy of affidavit of W. L. Holt, certified copy of affidavit of W. B. Savage, certified copy of affidavit of L. W. Savage, certified copy of affidavit of I. K. Akers, certified copy of affidavit of T. B. Brown also certified copy of certificate made by T. J. Taylor of an extract purporting to be a copy of certain extracts from page 96, of volume 7, of American State Papers, pertaining to register of Mississippian Choctaw Indians, also certificate of Vella Stewart as to a copy of ~~certified copy of~~ certain entry found on page 36, of American State papers, public lands, volume 7.

- Q Are you personally acquainted with all of the affiants who have sworn to these numerous affidavits? A No sir.
- Q Do you know that they have any actual knowledge of your ancestors? A There are a great many, I know must all of them.
- Q Do you know Tobias Edwards? A No.
- Q John Lewis? A No.
- Q Do you know J. W. Scott? A Yes.
- Q He is a white man? A Yes.
- Q Do you know J. M. Armstrong? A No.
- Q Do you know J. P. Hopson, A Yes.
- Q He is a white man? A Yes.
- Q Lives in Texas? A In Sherman Texas.
- Q Who is W. S. Holt? A He lives at Hope Texas.
- Q Who is W. B. Savage? A He lives at Sherman Texas.
- Q These other people, L. W. Savage, I. K. Akers, T. B. Brown, they live in Sherman and are white people? A Yes.
- Q They only testify to your people living in Texas and that your father and mother have been married? A Yes sir. I made a mistake and would like to correct it. I think when you asked me about my grandfather I said Hugh Randolph I did not want to say that I intended to say Dave Fuller.
- Q Can you speak the Choctaw language? A No sir.

The applicant has the appearance of a white person and is unable to speak the Choctaw language.

Y PAPER CO HOLYOKE MASS

U.S.A.

I, the undersigned, being duly sworn, depose that on the 4th day of October 1901, at the place above mentioned, the following named persons, to-wit: the undersigned, and the following named persons, were present and took the following oath:

H. Rosquini

Subscribed and sworn to before me this 4th day of October 1901.

Charles H. Sawyer
Notary Public

VALLEY

COPY.

M.C.H. 3275

Muskogee, Indian Territory, June 20, 1902.

Tom Fuller,
West Tennessee Street,
Sherman, Texas.

Dear Sir:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Josie Harbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Mary E. Neal, et al.,	M C R 3276
Hettie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3279
Ethel Fuller,	M C R 3280
William D. Fuller, et al.,	M C R 3281

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 20, 1902 (30 Stat., 405) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the

T.F. 22-2.

Interior.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Dea Fuller, Ada Fuller, Jessie Harbert, Arney H. Harbert, Neva Harbert, Arlene Harbert, Villa Harbert, Callaway Harbert, Tom Fuller, Mary H. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Benton Fuller, Deraidell Fuller, Chloel Fuller, Alva Fuller, Nordicka Fuller, Mary Fuller, Isara Fuller, Henry Fuller, Ethel Fuller, William D. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller and Ruth Fuller, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Registered,

Commissioner in Charge.

COPY.

M.C.R. 3293

Muskogee, Indian Territory, October 21, 1902

Tom Fuller,
W. Tennessee Street,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh M. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

(SIGNED)

Tom L. Dyer
Acting Chairman.

No. 3275

For Identification as a Mississippi Choctaw.

Date AUG 19 1901

Name Tom Fuller.

Age 27 Blood $\frac{1}{8}$

Post Office, W. Genessee St. Sherman Texas

Father: Hugh M. Fuller - ✓

Mother: Martha Ann Fuller - dead

Claims through father.

WIFE:

No claim for wife.

Children:

Claims for self alone.

Stenographer

G. R. Rasmussen

Choctaw MCR 3276

Mary E. Neal

See MCR 3273

MCR 3276

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, T.T. August 19, 1901.

3276

In the matter of the application of Mary M. Neal for
identification of herself and her three minor children as Mississippi
Cheetaws.

Applicant represented by Attorney A. Telle.

Said Mary M. Neal being first duly sworn testified as
follows:

-Examination by the Commission-

- Q What is your name? A Mary M. Neal.
Q How do you spell that? A N-e-a-l.
Q How old are you? A Thirty-six years.
Q What is your post-office address? A San Angelo, Texas.
Q Do you live in Texas? A Yes.
Q How long have you lived there? A Thirty-six years.
Q Born there? A Yes.
Q Never lived anywhere else? A No.
Q What is your father's name? A Hugh M. Fuller.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Martha Fuller.
Q Is your mother living? A No sir.
Q Through which one of your parents do you derive your Cheetaw
blood? A Through my father.
Q How much Cheetaw blood do you claim? A Well I don't know.
Q How much Cheetaw are you? A How much am I?
Q Yes? A Why I could not say, my grandmother was an Indian—my
great grandmother.
Q What tribe of Indians did she belong to? A I don't understand
the question.
Q What tribe of Indians did she belong to? A Cheetaw.
Q How much Cheetaw was she, was she a full blood or half blood?
A I think she was one-half.
Q How do you know she was one-half Cheetaw? A Because she
registered in eighteen hundred and thirty.
Q Registered what? A She registered under the treaty of eighteen
hundred and thirty if I understand the question you have asked
me.
Q And yet you do not know whether she was a Cheetaw Indian or not?
A Yes I understand that she is.
Q Well now you make an application here at this time as a Missis-
sippi Cheetaw? A Yes sir.
Q Have you any Cheetaw blood? A Do you want Mississippi Cheetaw
blood?
Q Have you any Cheetaw blood in your veins? A Yes sir.
Q How much? A I can't say.
Q How much do you think you have? A Well I think if my

great grandmother Betsy was a full blood than I am the fourth generation which would make me one-thirty-second.

(Attorney says applicant is one-eight)

- Q Are you married? A Yes sir.
 Q What is your husband's name? A James Thomas Neal.
 Q Is your husband living? A Yes sir.
 Q Do you make any application for him? A No sir.
 Q Where did you marry him? A At Sherman.
 Q Texas? A Yes sir.
 Q Have you any children? A I have three.
 Q What are the names and ages of your children? A Katie Neal seventeen, Effie Neal.
 Q How old? A Twelve. Culbertson Neal.
 Q How old? A Six years.
 Q That all of your children? A Yes sir.
 Q These children all live with you? A Yes sir.
 Q They have always lived in Texas? A Yes sir.
 Q You are the mother of all three of them? A Yes sir.
 Q James Thomas Neal the father of all three of them? A Yes sir.
 Q Have you or your children ever received any benefits or ever been enrolled as citizens of the Choctaw Nation by the Choctaw Tribal Authorities in Indian Territory? A No sir.
 Q Have you or any one for you or your children ever made application to be enrolled as citizens of that tribe? A No sir.
 Q In 1896 this Commission and also the Choctaw Tribal Authorities were empowered by an act of Congress of June 10th, 1896 to hear and determine original applications for citizenship in the Choctaw Nation. Now, did you or did any one for you or your children at that time make application to this Commission for citizenship in the Choctaw Nation? A In 1896 did you say?
 Q Yes? A No sir.
 Q Have you or has any one for you or your children ever made any application prior to this time to either the Choctaw Tribal Authorities or the Authorities of the United States for either citizenship or enrollment as members of the Choctaw Tribe of Indians? A I did not understand that?
 Q Have you or has any one for you or your children ever made application prior to this time to either the Choctaw Tribal Authorities or the Authorities of the United States to be enrolled or admitted as citizens of the Choctaw Tribe of Indians? A No sir.
 Q The application you now make is for identification of yourself and your children as Mississippi Choctaws? A Yes sir.
 Q You claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A Yes sir.
 Q You understand what that article of the treaty provided? A No sir I do not.

The conditions that existed in the State of Mississippi and Alabama in the Territory occupied by the Choctaw Tribe of Indians prior to the year eighteen hundred and thirty was such that the United States government was desirous to remove the Choctaw Indians from the Territory then occupied by them to some portion of the Country East of the Mississippi River. The encroachment of the white people and of civilization had made it inadvisable to the Choctaw Indians to remain there in the States of Mississippi and Alabama and the United States desired to open this Country to white citizens for settlement. With this object

in view the United States attempted to enter into a treaty with the Choctaw Indians in eighteen hundred and thirty providing for their removal from the Country then occupied by them. The Choctaws refused to make any such agreement or enter into any such treaty as there were found a large number who did not desire to remove from the Country then occupied by them and unless a provision was inserted in the treaty protecting those Choctaws who did remain it was impossible to formulate any agreement that would be satisfactory to the Indians. After considerable negotiations such a clause was eventually agreed upon and agreed upon and became a part of the treaty of eighteen hundred and thirty, and the treaty was finally ratified. This clause was known as the fourteenth article and provided:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one have that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

After the adoption and ratification of this treaty the Indian Agent did receive the applications and recorded the intentions of some one-hundred and forty heads of families who wanted to remain in Mississippi and take advantage of the provisions of this article of the treaty. It subsequently developed however that instead of one hundred and forty heads of families as recorded by the Indian Agent there still remained in the State of Mississippi about 7000 heads of families. The attention of the Secretary of War was brought to this matter in 1833 and legislation was enacted empowering and appointing certain Commissioners to adjudicate the claims of those Choctaws still remaining in the state of Mississippi and who claimed privileges under this fourteenth article. These Commissioners recommended to Congress the settlement of numerous claims and in 1842 legislation was enacted providing for the settlement of all claims arising under this article of the treaty. In the settlement of these claims scrip was issued at a value of fifty cents per acre which was interchangeable for public land located in Mississippi, Alabama, Louisiana or Arkansas. Now in order for you to be properly and unquestionably identified by this Commission, and the Secretary of the Interior as a Mississippi Choctaw, entitled to benefits under this fourteenth article of the treaty of eighteen hundred and thirty it will be necessary for you to conclusively establish the fact that you are the direct lineal descendant of a Choctaw Indian, head of a family, who was unquestionably recognized as a member of the tribe at the time this treaty was entered into, September the twenty-seventh, eighteen hundred and thirty and that such ancestor did remain in

in Mississippi and claim his rights as a beneficiary under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. You have testified that you are thirty six years of age; that you have always resided in the State of Texas; that you are the daughter of Hugh M. Fuller and you claim your Choctaw blood through him.

- Q Now, how old is Hugh M. Fuller? A Sixty-eight years old.
 Q Your father's father was a white man? A Yes sir.
 Q Have you any documentary evidence or have you any witnesses that you desire to present at this time who can substantiate the fact that your grandmother Ann Fuller was a Choctaw Indian, and lived in Mississippi in eighteen hundred and thirty? A Yes.
 Q Where are they? You understood my question did you not "Have you any witnesses her in person who could testify to the fact that Ann Fuller was a Choctaw Indian and resided in Mississippi in eighteen hundred and thirty? A Have I any witnesses you say?
 Q Any witnesses here in person who can testify about that fact?
 A Yes sir.
 Q Where are they? A My father.
 Q Where is he? A Right here.
 Q Did any of your ancestors ever claim or receive an land in Mississippi or Alabama from the United States government as beneficiaries under this article of this treaty? A Yes sir.
 Q Who? A My great grandmother Betsy.
 Q Betsy who? A Betsy Ott.
 Q Who was Betsy Ott? A She was Hugh Randolph's wife.
 Q Who is Hugh Randolph? A My great grandfather.
 Q Your great grandfather? A Yes sir.
 Q Was not your own grandmother Ann Fuller at the time of this treaty in eighteen hundred and thirty the head of a family. Was she not over age and the head of a family and had children of her own in eighteen hundred and thirty, seventy years age? A I do not know.
 Q Did not your father have brothers and sisters older than he was? A Yes sir.
 Q Your father is sixty-eight years of age? A Yes sir.
 Q Well then, was not your grandmother Ann Fuller at the head of a family of her own seventy-one years age? A Yes sir.
 Q Now where was she living at the time this treaty was made? A A Why in Mississippi.
 Q Whereabouts in Mississippi? A Yocco Valley
 Q Have you any documentary evidence or any witnesses that can substantiate this fact? A Yes sir.

The applicant here offers in evidence, there is marked exhibit "A", filed and made a part of the record in this application certain documentary evidence consisting of her original petition dated August 16th, 1901, and also certified copies of affidavits of John Lewis, Tobias Edwards, J. W. Scott, J. P. Hopson, W. B. Savage, W. S. Holt, L. W. Savage, J. M. Armstrong, I. K. Akers, and T. B. Boren and the certified copy of T. B. Taylor as to certain extract from page 96, volume 7, entitled American State Papers pertaining to public lands and register of Mississippian Choctaw Indians and certificate of Vella Stewart as to the copy of certain records found on page 36 of volume 7, of American State papers public lands.

#5

- Q Mrs. Neal do you know these several affiants, these people who have made these affidavits? A Yes.
- Q Do you know John Lewis? A No.
- Q Tobias Edwards? A No.
- Q Do you know J. P. Hopson? A No.
- Q He is a white man? A Yes.
- Q Lives in Texas? A Yes.
- Q Who is J. W. Scott? A He lived there in Sherman.
- Q White man? A Yes sir.
- Q How long has he known your family? A I expect all my life.
- Q Ever since you came to Texas? A Yes sir.
- Q He knows nothing about your family in Mississippi? A I don't know.
- Q W. B. Savage, W. S. Holt, L. W. Savage, J. M. Armstrong, and T. B. Boren are all white people and have known your family since you came to Texas? A Yes sir.
- Q None of them are Indians? A No sir not that I know of.
- Q Is there any additional statement that you would like to make, anything else that you would like to say? A Not that I know of.

Applicant excused.

Hugh M. Fuller called as a witness, duly sworn testified as follows:

- Q What is your name? A Hugh M. Fuller.
- Q How old are you? A Sixty-eight.
- Q What is your post-office address? A Sherman Texas.
- Q You have been before this Commission as an applicant for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you know this applicant who is now before the Commission, Mrs. Mary E. Neal? A Yes sir.
- Q Is she any relation to you? A She is my daughter.

Witness excused.

This applicant has the appearance of a person descended from white parentage and shows no traces of Indian blood.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 19, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 4th day of October 1901.

Charles H. Sawyer

Notary Public.

GOPY.

M C R 3276

Muskogee, Indian Territory, June 20, 1902.

Mary E. Neal,

San Angelo, Texas.

Dear Madam:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Josie Herbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Mary E. Neal, et al.,	M C R 3276
Hettie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3279
Ethel Fuller,	M C R 3280
William B. Fuller, et al.,	M C R 3281

Said decision, after a review of the evidence submitted,

was as follows:

The authority vested in the Commission by the Twenty-first section of the act of Congress of June 25, 1900 (30 Stat., 495) is as follows:

"This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw land under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other necessary duties, and make report to the Secretary of the Interior."

M.B.N.-----2.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Dea Fuller, Ada Fuller, Josie Harbert, Arney H. Harbert, Nova Harbert, Arlene Harbert, Willa Harbert, Callaway Harbert, Tom Fuller, Mary M. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Benton Fuller, Donaldell Fuller, Chloel Fuller, Alva Fuller, Mordicka Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William D. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willis Fuller, Albert Fuller and Ruth Fuller, as Choctaw Indians entitled to rights in the Choctaw Lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered,

Commissioner in Charge.

007

M. O. D. 1875

Mustang, Indian Territory, October 22, 1902

Mary E. Neal,

San Angelo, Texas.

Dear Madam:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Chertaws of the several persons included in the consolidated case of Hugh M. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June 1902.

Respectfully,

(SIGNED)

Tame Dixby,
Acting Chairman

For Identification as a Mississippi Choctaw.

Date AUG 19 1900

Name

Mary E. Neal.

Age

36.

Blood

1/8.

Post Office,

San Angelo, Texas.

Father:

Hugh Fuller - ✓

Mother:

Martha Fuller - dead

Claims through

father.

HUSBAND:

James T. Neal. - ✓
(no claim for husband).

Children:

Katie Neal.	17
Effie "	12
Elbersora "	6

Claims for self and three children.

Stenographer

J. Rosenwinkel.

Choctaw MCR 3277

Nettie Fuller

See MCR 3273

MCR 3277

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T. August 19, 1901.

3277

In the matter of the application of Nettie Fuller for identification as a Mississippi Choctaw.

Applicant represented by Attorney A. Telle.

Said Nettie Fuller being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Nettie Fuller.
Q What is your age? A Twenty-nine.
Q What is your post-office address? A Sherman Texas.
Q Have you a street number? A Yes.
Q What is it? A 778 South Travis Street.
Q How long have you lived in Sherman? A I don't understand the question.
Q How long have you lived in Sherman? Twenty-nine years.
Q Were you born in Sherman? A Yes.
Q Never had a home anywhere else? A No.
Q What is your father's name? A Hugh M. Fuller.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Ann Fuller.
Q Is she living? A No.
Q Through which one of your parents do you derive your Choctaw blood?
A Through my father?
Q How much Choctaw blood do you claim? A I don't know.
Q How much Choctaw blood have you been taught you have? A Well if my great grandmother was a full blood I suppose I am--I don't know what blood I am.
Q If your great grandmother was a full blood how much Choctaw blood would her daughters have had? A I suppose one-half.
Q About how much then would your father have had? A One-quarter.
Q Then what you have? A One-sixteenth.
Q How what is one-half of one fourth? A It is an eighth.
Q You think then that you have one-eighth Choctaw blood? A I think I have one-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A No.
Q Yes before the Civil War he was recognized by an Indian? A No.
Q I mean, was he ever recognized by the Choctaw Tribal Authorities or the Authorities of the United States? A No.
Q Are you married? A No.
Q Are you making this application for yourself alone? A Yes.

- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in Indian Territory to be enrolled as a member of that Tribe? A No.
- Q Did you or did any one for you in 1898 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1897? A I don't know.
- Q That was five years ago. Can you not remember if you made such application? A No I never made it.
- Q Did you authorize any one to make it for you? A No.
- Q You have no reason to think that such application was made? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to make through my father.
- Q What do you claim through your father? A I claim Indian blood.
- Q Have you any evidence of your father's and mother's marriage? A I have papers to that effect.
- Q You mean your father's marriage license and certificate? A (No answer)

(Attorney states that he will furnish such evidence)

- Q On what do you base your right to make application now? A Through my father.
- Q The fact that your father has Choctaw blood? A Yes sir.
- Q You make any claim on any other grounds? A Well through my great-grandmother Daisy Pitt, who had a daughter named Ann who married a Dave Fuller, a white man named Dave Fuller.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes sir.
- Q Do you claim under any of the treaties made between the United States and the Choctaw Indians? A Well through the treaty of eighteen hundred and thirty?
- Q Do you claim under any particular part of that treaty or under the whole treaty? A I don't know.

The law under which the Commission is acting at this time in hearing these applications for identification as Choctaw and Choctaw is found in Section twenty-one of the act of June 10, 1897, commonly called the Curtis Act which provides:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded at Fort Adams, Texas, on the eighth day of March, 1830, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto as a main part of the Secretary of the Interior."

This law gives the Commission the right to determine the identity of applicants who claim under fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who then lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in these two States and for the purpose of moving them all to the country West of the Mississippi River. But some of the Indians did not want to leave their homes there in Mississippi and the other Indians would not sign any treaty until some provision was made for those of their numbers who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. After that the Indians signed the treaty alright and it was ~~made~~ ratified by the United States and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one one section of six hundred and forty acres of land to be bounded by sectional lines of survey in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now if these Indians who wanted to stay in Mississippi would go to the Indian Agent there within six months after that treaty was ratified and tell him that they wanted to stay in Mississippi they would get land from the government for themselves and their children and if they lived on it for five years they would get a title to it. In doing this, they would not lose the privilege of Choctaw citizens, but if they ever removed would not be entitled to any part of the Choctaw yearly payments of money.

- Q Do you claim anything under the provisions of this article of the treaty? A Yes through my great grandmother Betsy Ott.
- Q Is that the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made? A I think so.
- Q Was she a recognized Choctaw Indian? A Well I suppose so under this article.
- Q Have you any evidence of that fact? A Well my papers state it.
- Q Does your father claim his Choctaw blood through his father or through his mother? A Through his mother.
- Q And what was his mother's name? A Ann Fuller.
- Q What was your father's father's name? A Dave Fuller.
- Q And it was Ann Fuller who claimed to be Choctaw? A Yes sir.
- Q Your father is living you say? A Yes sir.
- Q How old is he? A Sixty-eight years old.

#4

- Q Was he the eldest one of his mother's children? A I don't know.
Q Do you know whether your grandmother was living in eighteen hundred and thirty or not? A I don't know for sure.
Q Did you ever know her? A Know I never knew her.
Q Is there any one here who can testify positively about that fact? A I don't know whether my father can or not, I suppose he can.

applicant excused.

Hugh M. Fuller duly sworn testified as follows:

- Q What is your name? A Hugh M. Fuller.
Q What is your age? A Sixty-eight.
Q What is your post-office address? A Sherman, Texas.
Q You are an applicant for identification as a Mississippi Choctaw? A I am.
Q Are you acquainted with Nettie Fuller? A Yes.
Q What relation is she to you if any? A She is my daughter.
Q She gets her Choctaw blood through you? A Yes.
Q And what was your mother's name? A Ann Fuller.
Q And what was your father's name? A Dave Fuller.
Q Which one of your parents claimed to be Choctaw? A My mother.
Q Were you the eldest one of your mother's children? A No.
Q How many were there older than you? A Four.
Q About how much older than you was the oldest one of your mother's children? A I don't know.
Q Can you make an estimate of about how much it was? A Well I answered it awhile back that there was approximately about one and one half years difference in the children.
Q Do you think the oldest one was about six years older than you? A Yes I think it would be about six years.
Q You were born in 1832? A Yes thirty-two.
Q Your mother had four ~~xxx~~ children older than you? A Yes.
Q Your mother then was a married woman and the head of a family in 1830 when this treaty was made? A Yes.
Q And her name at that time was Ann Fuller? A Yes.

Witness excused.

A p p l i c a n t R e c a l l e d .

- Q Did Ann Fuller live in the old Choctaw Nation in eighteen hundred and thirty? A How is that?
Q Did Ann Fuller live in the old Choctaw Nation in eighteen hundred and thirty? A I don't know, I think she did.
Q Did she come west with the other Choctaw Indians between 1833 and 1838 to the present Choctaw Nation? A I don't know.
Q You never heard whether she did or not? A No I believe she stayed back there.
Q Did she go to the Indian Agent there in Mississippi and tell him within six months after the treaty was ratified, that she wanted to stay there and take land? A I don't know.
Q You think you will be able to get any evidence on that point? A I do not know.
Q You understand that in order to prove your case it will be necessary for you to show whether your grandmother was a Choctaw Indian and recognized as such and whether she lived in the Choctaw Nation in eighteen hundred and thirty and whether she went to the Indian Agent there within six months and told him that she wanted to stay there?—You think you will be able to get evidence on that point? A Well under the treaty of eighteen

hundred and thirty, think she received land as a Mississippi Choctaw.

- Q Have you any documentary evidence that you wish to file? A Yes I have papers here.
- Q Are the copies of patents, or deeds, or titles to land? A No they are affidavits.

Written application of Nettie Fuller offered in evidence marked exhibit "A" filed and made a part of the record in this case.

Certified copy of affidavit of John Lewis and of Henry Brington his interpreter, offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Certified copy of the affidavit of Tobias Edwards, offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

Certified copy of affidavit of J. H. Armstrong offered in evidence, marked exhibit "D", filed and made a part of the record in this case.

Certified copy of the affidavit of J. W. Scott, offered in evidence, marked exhibit "E" filed and made a part of the record in this case.

Affidavit of J. P. Hopson offered in evidence marked exhibit "F" filed and made a part of the record in this case.

Affidavit of W. B. Savage, offered in evidence, marked exhibit "G" filed and made a part of the record in this case.

Affidavit of W. B. Holt offered in evidence marked exhibit "H" filed and made a part of the record in this case.

Affidavit of L. W. Savage offered in evidence marked exhibit "I" filed and made a part of the record in this case.

Certified copy of affidavit of J. H. Scott offered in evidence marked exhibit "J" filed and made a part of the record in this case.

Certified copy of affidavit of F. B. Norrell offered in evidence, marked exhibit "K" filed and made a part of the record in this case.

Certified copy of certificate of T. B. Taylor of entry on page 86, volume 7, in American State Papers in which the name Henry Pitt appears as having six acres of cultivated land and entry on page 137, same volume where the name Henry Pitt appears as having land, offered in evidence marked exhibit "L" filed and made a part of the record in this case.

Certificate of Vella Stewart, of correspondence between F. M. Fisk and Lewis Cass and entry on page 89 and 134 volume 7, American State Papers, offered in evidence, marked exhibit 10, filed and made a part of the record in this case.

- Q How is this paper referred to in these papers? A Henry Ott.
Q What relation was she to you? A She was my great grandmother.
Q How does it happen that if your grandmother Ann Fuller was an married woman and the head of a family in eighteen hundred and thirty when this treaty was made---Why do you not claim through your grandmother instead of your your great grandmother?
A I don't know that I understand the question?
Q Your grandmother was the head of a family in eighteen hundred and thirty, a married woman and had children of her own then why do you go back to your great grandmother and claim through her? A Well Ann Fuller was my grandmother's daughter
Q Don't you mean that Ann Fuller was your great grandmother's daughter? A Yes sir.
Q Well your grandmother was a married woman and the head of a family in eighteen hundred and thirty. Have you any evidence to show that she took any land, or went to the Indian Agent and told him that she wanted to stay there in Mississippi? A I do not know.
Q You should endeavor to secure evidence to show that your grandmother Ann Fuller was a recognized Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there? Did your grandmother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A I suppose she owned land in Mississippi.
Q Have you any evidence of that? A No I have not.
Q Do you think you can secure any such evidence? A I don't know.
Q Do you know the people who make these affidavits? A Some of them
Q Do you know John Lewis? A No.
Q Do you know Tobias Edwards? A No.
Q Do you know whether John Lewis or Tobias Edwards are white people or Choctaw Indians? A They state they are Indians.
Q Can you bring them before the Commission to testify in regard to your case.

(Here attorney states that he will endeavor to bring these parties before the Commission for examination in this case)
Is there any other statement that you would like to make at this time in support of your claim? A No.

If you wish to offer any evidence in support of your application, any further evidence, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

This applicant has brown hair, slightly wavy, brown eyes, and dark complexion. Her features and general appearance are those of a white person and she shows no traces of Indian blood.

- Q Do you speak Choctaw? A No.
Q Does your father speak Choctaw? A No I don't know if he does, I never did hear it.

The said not speak the Chinese language and that he was
placed on the part of his master with the intention of the
fourteenth article of the treaty of commerce between the United States
and China, although it appears from the evidence that he was
not a Chinese and lived in the United States for many years and
therefore.

G. Rosenwinkel being duly sworn on his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings and in the above entitled
cause on August 10, 1901, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes in
said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 4th day of October 1901.

Charles H. Sawyer

Notary Public.

RECEIVED
OCT 10 1901
U.S. DEPT. OF JUSTICE

COPY.

M C R 3277

Muskogee, Indian Territory, June 20, 1902.

Nettie Fuller,

2775 South Travis Street,

Sherman, Texas.

Dear Madam:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Jessie Herbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Mary E. Neal, et al.,	M C R 3276
Nettie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3582
Ethel Fuller,	M C R 3586
William D. Fuller, et al.,	M C R 3587

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1900 (30 Stat., 498) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-four, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

N.Y. 100-2.

necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Bea Fuller, Ada Fuller, Jessie Harbert, Arney H. Harbert, Nava Harbert, Ariane Harbert, Villa Harbert, Calaway Harbert, Tom Fuller, Mary E. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Benton Fuller, Doraidei Fuller, Chisol Fuller, Alva Fuller, Hordieka Fuller, Mary Fuller, Clara Fuller, Mary Fuller, Ethel Fuller, William D. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller and Ruth Fuller, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered.

Commissioner in Charge.

M.O.R. 3277

Muskogee, Indian Territory, October 21, 1902

Nettie Fuller,
775 S. Travis Street,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of October 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh M. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June 1902.

Respectfully,

(SIGNED):

James Bixby.
Acting Chairman.

No. 3277

For Identification as a Mississippi Choctaw.

Date AUG 19 1901

Name Nettie Fuller

Age 29 Blood 1/8

Post Office, Sherman Texas

Father: ^{775 S. Travis St.} Hugh M Fuller

Mother: Martha Ann Fuller (deceased)

Claims through father

~~Children:~~

Claims for self alone

Grapher

Choctaw MCR 3278

Frank Fuller

See MCR 3273

MCR 3278

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 19, 1901.

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In the matter of the application of Frank Fuller for identification of himself and his eight minor children as Mississippi Choctaws.

Applicants represented by Attorney A. Telle.

Said Frank Fuller being first duly sworn testified as follows:

Examination by the Commission-

- Q What is your name? A Frank Fuller.
Q What is your age? A Forty-four.
Q What is your post-office address? A Howe, Grayson County, Texas.
Q How long have you lived there? A I have lived there about seventeen or eighteen years.
Q How long have you lived in Texas? A All my life.
Q Were you born in Texas? A Yes.
Q Never had a home outside of the State? A No.
Q What is your father's name? A Hugh M. Fuller.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Fuller.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I suppose about one-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the Authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Present wife.
Q Yes? A Lizzie Fuller.
Q Is she living? A Yes.
Q Do you make application for her? A No.
Q She is a white woman and makes no claim to Choctaw blood? A She is a white woman.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.
Q How many? A Six I think---eight.
Q Give the names and ages of these children? A Bertha.
Q How old? A Nineteen. Benton, Fifteen.
Q Next? A Deraldell, D-e-r-a-l-d-e-l-l.
Q How old? A Nine.
Q Is that a girl? A Yes.
Q Next? A Chleal--C-h-l-e-a-l.
Q Is that a girl? A Yes.
Q How old is she? A Seven years old.
Q Next? A Alva.
Q How old? A She is five years old a girl.

- Q Next? A Nordicka.
 Q N-o-r-d-i-c-k-a? A Yes.
 Q How old? A Four.
 Q Next? A Mary.
 Q How old is Mary? A Two.
 Q Next? A Isora---I-s-e-r-a.
 Q How old? A Six months.
 Q Is that a girl? A Yes.
 Q You are the father of these children? A Yes.
 Q What is the name of their mother? A The two oldest are--her name was Dora Fuller.
 Q Is she dead? Yes.
 Q What is the name of the mother of the other children? A Lizzie Fuller.
 Q When and where were you married to Lizzie Fuller? A I was married in 1890 in Grayson County Texas.
 Q When and where were you married to Dora Fuller? A The same place.
 Q When? A In 1878.
 Q Have you your marriage licenses and certificates and wish to offer them in evidence? Yes.
 Q You expect to file them? A Yes.
 Q Is your name or are the names of any of your children on the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
 Q Have you ever applied to the Choctaw Tribal Authorities to have yourself or your children enrolled as members of the Choctaw Tribe? A I have not.
 Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.
 Q Have you or your children been admitted to citizenship by the Choctaw Tribal Authorities or the Dawes Commission? A No.
 Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to have your self or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
 Q Is this the first application of any kind you have ever made? A Yes.
 Q What kind of an application do you want to make now? A Application for citizenship as a descendant of a Choctaw for myself and children.
 Q On what do you base your claim? A On the treaty of eighteen hundred and thirty I suppose.
 Q Do you claim under the whole treaty or under part of it? A Some part of it.
 Q What part? A Article fourteen.
 Q Do you understand the provisions of that article? A Yes.
 Q Well state what you understand by it? A Well there were quite a number of Choctaws living in Mississippi that did not want to come out here and I understand that the treaty provides for them, article fourteen.
 Q Do you understand that if the Indians wanted to remain there in Mississippi they could go to the Indian Agent there within six months after that treaty was ratified and tell him that they wanted to stay and they would get land for themselves and their children? A Yes.
 Q And if they lived on that land for five years they would get a title to it? A I did not understand that clause of it.
 Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made?

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- Q A Retsey Ott.
- Q What relation was she to you? A She was my great grandmother.
- Q You claim through your father? A Yes.
- Q How old is your father now? A Sixty-eight years of age?
- Q Was he the oldest one of his mother's children? A No.
- Q What was your father's father's name? A Dave Fuller.
- Q What was your father's mother's name? Ann Fuller.
- Q And your father you say is sixty-eight years old and he was not the oldest one of your grandmother's children? A No.
- Q You know how much older than your father the oldest one was? A No I do not.
- Q Do you know if your grandmother was a married woman and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.
- Q Was she? A Yes.
- Q Why don't you claim then through her instead of through your great grandmother? A Well we don't find her name enrolled on the records and my great grandmother's was.
- Q Do you understand that the fourteenth article provides that "Each Choctaw head of a family" should go to the Indian Agent and your grandmother was a married woman and the ~~agex~~ head of a family at that time. Have you any evidence to show whether she went to the Indian Agent there and told him that wanted to stay in Mississippi? A Yes.
- Q Have you any evidence to show whether she complied with this article? A No.
- Q Do you understand the importance of securing evidence on this point? A Yes.
- Q Did your grandmother come west with the other Choctaw Indians between eighteen hundred and thirty-three and thirtyeight? A I don't know she came to Texas.
- Q Did you ever see your grandmother? A Yes.
- Q Do you know when she came to Texas? A She came to Texas--she was there when I first remember.
- Q You don't know how long she had been there? A No I do not.
- Q Is there any one here whose testimony you would like to have in support of your application? A What is the point?
- Q Well as to your grandmother, her being at the head of a family and what time she left Mississippi? A My father here.
- Q Would you like to have him called as a witness? A Yes.

Applicant Excused.

Hugh M. Fuller being called as a witness, duly sworn testified as follows:

- Q What is your name? A Hugh M. Fuller.
- Q What is your age? A Sixty-eight.
- Q What is your post-office address? A Sherman Texas.
- Q Are you an applicant for identification as a Mississippi Choctaw? A I am.
- Q Are you acquainted with Frank Fuller who is making application here? A Yes.
- Q What relation is he to you if any? My Son.
- Q He gets his Choctaw blood through you? A Yes.
- Q What was your mother's name? A Ann Fuller.
- Q And your father's name? A Dave Fuller.
- Q Which one of your parents claimed to be Choctaw? A my mother.
- Q Was your mother married and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.

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- Q Do you know whether she came west with the other Choctaw Indians between eighteen hundred and thirty three and eighteen hundred and thirty-eight to the present Choctaw Nation? A She did not.
- Q Do you know when she came West? A No.
- Q Was she living in Mississippi in eighteen hundred and thirty? A Yes.

Witness Excused.

A p p l i c a n t r e c a l l e d .

- Q Did your grandmother own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.
- Q You never heard? A No.
- Q You have no records to show? A No.
- Q Have you any papers that you want to file at this time? A Yes sir.

Written application of Frank Fuller offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Certificate of Vella Stewart to correspondence between E. E. Plummer and Lewis Cass, Secretary of War, as to entry's on pages 89, and 134, volume 7, American States Papers, offered in evidence marked exhibit "B" filed and made a part of the record in this case.

Certified copy of certificate of T. B. Taylor to certain entry's on pages 96 and 137 of the American State Papers in which the name Betsy appears has having land, offered in evidence, marked exhibit "C", filed and made a part of the record in this case.

Certified copy of affidavit of John Lewis and Henry Byington his interpreter offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

Certified copy of affidavit of Tobias Edwards offered in evidence marked exhibit "E" filed and made a part of the record in this case.

Certified copy of affidavit of J. M. Armstrong, offered in evidence, marked exhibit "F" filed and made a part of the record in this case.

Certified copy of affidavit of J. W. Scott offered in evidence, marked exhibit "G" filed and made a part of the record in this case.

Certified copy of affidavit of J. P. Hopson offered in evidence, marked exhibit "H", filed and made a part of the record in this case.

Certified copy of affidavit of L. W. Savage offered in evidence, marked exhibit "I" filed and made a part of the record in this case.

Certified copy of affidavit of W. B. Savage offered in evidence, marked exhibit "J" filed and made a part of the record in this case.

Certified copy of affidavit of I. K. Akers offered in evidence marked exhibit "K" filed and made a part of the record in this case.

Certified copy of affidavit of T. B. Boron offered in evidence marked exhibit "L" filed and made a part of the record in this case.

Certified copy of affidavit of W. F. Holt, offered in evidence marked exhibit "M" filed and made a part of the record in this case.

Affidavit of W. R. Jackson offered in evidence marked exhibit "N" filed and made a part of the record in this case.

Affidavit of W. H. Driscoll, offered in evidence marked exhibit "O" filed and made a part of the record in this case.

Certified copy of marriage license and certificate between James F. Fuller and Dora Duke offered in evidence marked exhibit "P" filed and made a part of the record in this case.

Certified copy of marriage license and certificate between J. F. Fuller and Lizzie Allen offered in evidence marked exhibit "Q" filed and made a part of the record in this case.

- Q You gave your name as Frank fuller; one marriage license and certificate gives it as James F. Fuller and one as J. F. Fuller. what is your full name? A James Franklin Fuller.
- Q Do you know the persons who made these affidavits? A Some of them I do.
- Q Can you bring them before the Commission in person to testify? A Some of them.
- Q Which ones? A Tobias Edwards and John Lewis.
- Q When can you bring them before the Commission? A I don't know just when.

If you desire to offer any further evidence in support of your claim either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in this case.

This applicant has dark brown hair and mustache, brown eyes and complexion. His cheek bones are a trifle prominent but his features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although it appears from his testimony that his great grandmother and grandmother lived in Mississippi in eighteen hundred and thirty when this treaty was made.

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Court of the County of [illegible] State of [illegible] this 4th day of October 1901.

[Signature]

Subscribed and sworn to before me this 4th day of October 1901.

[Signature]

Notary Public.

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OCT 10 1901
A. C. [illegible]

COPY. M C R 3272

Muskogee, Indian Territory, June 20, 1902.

Frank Fuller,

Howe, Texas.

Dear Sir:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3272
Jemie Herbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Mary E. Neal, et al.,	M C R 3276
Nettie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3555
Ethel Fuller,	M C R 3556
William B. Fuller, et al.,	M C R 3557

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

T.F.-----

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Ben Fuller, Ada Fuller, Jessie Harbert, Arney H. Harbert, Neva Harbert, Arlene Harbert, Willie Harbert, Callaway Harbert, Tom Fuller, Mary E. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Benton Fuller, Bernadell Fuller, Chas. Fuller, Alva Fuller, Berdicka Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William D. Fuller, Keith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller and Ruth Fuller, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law here quoted, and that the application for their recognition as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Respectfully,
T. B. Needles.

Registered,

Commissioner in Charge.

COPY.

M.O.B. 3275

Muskogee, Indian Territory, October 21, 1903.

Frank Fuller,
Hewes, Texas.

Dear Sir:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh M. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June 1902.

Respectfully,

(SIGNED).

Tame Dixey.
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 19 1901

Name Frank Fuller

Age 44 Blood 1/8

Post Office, Howe, Texas

Father: Hugh M. Fuller ✓

Mother: Martha Fuller (dead)

Claims through father

wife: Lizzie Fuller ✓
(no claim for her)

Children:

Bertha Fuller 19

Benton " 15

Doraidell " F 9

Chloe ~~XXX~~ " F 7

x Alma " 5

Mondecai " 4

Mary " 1

George " F 6 mos.

Mother of 2 oldest (dead)
Dora Fuller

Claims for self and children

Stenographer

G. Rosenwinkel

Choctaw MCR 3279

Thomas J. Whitworth

MCR 3279

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Jefferson Whitworth for identification as a Mississippi Choctaw, M.C.R. 3279.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Thomas Jefferson Whitworth.

(Page)

Original application of Thomas Jefferson Whitworth before the Dawes Commission for identification as a Mississippi Choctaw	1
Petition signed by T. J. Whitworth, addressed to the Commission	6
Certified copy of marriage license of Thomas Jeffersan Whitworth and Jane C. Todd ..	8
Joint affidavit of H. M. Keene, E. M. Jenkins and James J. Williams	9
Joint affidavit of R. K. Locker, J. M. Stevenson and Wm. Williams	10
Decision of the Commission refusing the application of Thomas Jeffersan Whitworth for identification as a Mississippi Choctaw	11

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 20, 1901.

3279

In the matter of the application of Thomas Jefferson Whitworth for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Said Thomas Jefferson Whitworth being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A T. J. Whitworth.
Q Your full name? A Thomas Jefferson Whitworth-W-h-i-t-w-o-r-t-h
Q What is your age? A Fifty-eight.
Q What is your post-office address? A Sherman Texas.
Q Have you any street address? A West Lost street 508.
Q How long have you lived in Texas? A Twenty-two years.
Q Maintained a continuous residence there for that length of time? No, sir.
Q Where else have you been living? A I have been traveling some but spent most of my time in Texas.
Q Have you ever had any other residence except in Texas for the past twenty-two years? A For one year in Muskogee.
Q What year? A About '88 I reckon.
Q What was you doing in the Indian Territory? A I was working in a blacksmith shop.
Q Have you ever resided in the Choctaw-Chickasaw Nations in Indian Territory? Yes I was one year in the Chickasaw?
Q What year was that? A That was in '97.
Q What was you doing in the Chickasaw Nation? I was running a shop at Leon, running a blacksmith shop at Leon west of Ardmore near the Red river.
Q Then you have not lived in Texas continually for the past twenty-two years? A I have been three years out of Texas.
Q Where did you live before you went to Texas? A I was raised in South-middle Tennessee.
Q Born in Tennessee? A Yes.
Q Ever live in Mississippi? A No sir.
Q Ever live in Alabama? A In North Alabama.
Q What was your father's name? A Russell Whitworth.
Q Is your father living? A No sir he is dead.
Q What is your mother's name? A Jency Sanders.
Q How do you spell that? A J-a-n-c-y.
Q Is she living? A She has been dead about twelve years.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A My mother told me that my father was a Choctaw Indian. I never seen my grandparents. She must have been from her looks about one-half. I can't testify to nothing in the positive. About one-fourth.
Q Can you speak the Choctaw language? A No.
Q Are you married? A I have been but lost my wife.
Q Have you any children under twenty-one years of age and unmarried? A No sir.
Q You make this application for your self alone? A Yes sir.
Q Have you ever been enrolled by the Choctaw Tribal Authorities in Indian Territory as a citizen of the Choctaw Nation? A No.

#2

- Q Have you ever made application to the Choctaw Tribal Authorities to be enrolled as a citizen of that Tribe? A No answer.
- Q Have you ever made application to the Choctaw Tribal Authorities to be enrolled as a citizen of that tribe? A No sir.
- Q In 1896 this Commission was empowered by the act of Congress of June 10th, 1896 to hear and determine original applications for citizenship in the Choctaw Nation. Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation at that time? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory, on appeal from the decision of the Choctaw Tribal Authorities or this Commission? A No sir.
- Q Your purpose is now to make application for identification as a Mississippi Choctaw? A Yes sir.
- Q The Authority of law vested in this Commission to hear and determine such applications is contained in the provision of the twenty-first section of the act of Congress of June 28, 1898 and provides that:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make a report to the Secretary of the Interior."

- Q Do you now claim your right as a beneficiary under the fourteenth article of the treaty of eighteen hundred and thirty between the United States and the Choctaw Indians? A Yes.
- Q Do you know what that article of the treaty provided? A Do I which?
- Q Do you know what that article of the treaty provided? A I do not know that I do.

Prior to eighteen hundred and thirty the Choctaw Indians maintained their residence and owned the Country known as the old Choctaw Nation which comprised a part of Mississippi and Alabama. The encroachment of the white people, citizens of the United States, made it desirable on the part of the United States to remove the Indians to a Country west of the Mississippi River. With this object in view a Commission was appointed by the United States Congress to treat with the Indians then residents of Mississippi and Alabama to provide for their removal to some Country West of the Mississippi River. Negotiations were entered into but it was found impossible to effect any treaty without making some provision for those Indians who wanted to remain in the States of Mississippi and Alabama and who would not move west with the Tribe. After considerable negotiating an agreement was finally effected which provided for the removal of the tribe and there was inserted in this treaty the fourteenth article which provided:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intentions to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a

quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

After the ratification of this treaty the United States Indian Agent to the Choctaws, then in Mississippi did record the intentions of some one hundred and forty heads of families who desired to remain and take advantage of this provision. After the expiration of six months it was found that there still remained in the States of Mississippi and Alabama in the neighborhood of 7000 Choctaw Indians who would not remove with the tribe to the Country set aside for them West of the Mississippi River. These Indians still maintained their rights under the fourteenth article of the treaty and for the purpose of adjudicating these claims congress appointed Commissioners to treat with the Indians. These Commissioners reported to the Secretary of War the claims of numerous Indians under the provision of this fourteenth article and recommended that a number of these claims be allowed. This was accordingly done and in 1842 Congress of the United States enacted legislation providing for the settlement of these claims and authorized the issuance of scrip to those Indians whose claims had been allowed which was exchangeable at the rate of 50 cents per acre for land in the public domain of the United States, in the States of Mississippi, Arkansas, Louisiana or Alabama. Now, it will be necessary for you, in order to be identified as a Mississippi Choctaw claiming rights under the fourteenth article of the treaty of eighteen hundred and thirty to conclusively establish the fact that you are the descendant of a Choctaw Indian who resided in the Choctaw Nation in Mississippi and Alabama at the time this treaty was made and that such ancestor complied or attempted to comply with the provisions of this fourteenth article of the treaty of eighteen hundred and thirty. You have testified that you are fifty-eight years of age and have never lived in Mississippi and that you claim your Choctaw blood through your mother Jancy Whitworth?

A Yes.

- Q What was her maiden name? A Jancy Sanders.
- Q When did she die? A Twelve years ago.
- Q How old was she when she died? A About 81 years old. We have no record consequently I have no record of ages.
- Q Was she ever a resident of the State of Mississippi? A She came from Mississippi.
- Q When did she leave Mississippi? A Somewhere I reckon about in 1836 or somewhere along there from what I understand I think she came through to my father. My father was there in what the called the Creek Nation in North Alabama in Jackson County Alabama. They were married at Fayetteville about 1827 to 1830. They were married at Fayetteville Tennessee.
- Q When? A In 1826 or 27.
- Q Did your mother ever live in Mississippi after her marriage? A No sir she went to Mississippi but then she never lived there.
- Q Do you claim your rights as a beneficiary under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes sir.

4

- Q Have you any witnesses here or any documentary evidence that would tend to show the fact that your mother or any of your ancestors through whom your claim this right to identification were at the time of the making of this treaty of eighteen hundred and thirty residents of the Choctaw Nation in the State of Mississippi or Alabama, recognized members of the Choctaw Tribe of Indians and that they ever complied or attempted to comply with the provision of the fourteenth article of this treaty? A I cannot say I have no knowledge of it.
- Q Have you any additional statements that you desire to make at this time in support of your application? A No.
- Q Have you any documentary evidence, any affidavits, records of deeds or any proper papers showing that your ancestors were ever recognized members of the Choctaw Tribe of Indians? A No I only have this. By my Attorney, this is what I have done.

The applicant here offers in evidence and there is marked exhibit "A" filed and made a part of the record in this application original petition of T. J. Whitworth.

There is also offered in evidence, marked exhibit "B" filed and made a part of the record in this application marriage license and certificate of Thomas J. Whitworth and Jane C. Todd.

The applicant also offers in evidence, there is marked exhibit "C" filed and made a part of the record in this application the joint affidavit of Hickman Koots, James Williams and N. M. Jenkins.

- Q Do you know these three people? A Yes sir.
- Q Who are they? A They are all residents of Lincoln County, Tennessee.
- Q Are they white people? A Yes sir.
- Q These three persons make affidavit to the effect that Jancy Whitworth was a daughter of John and Mary Sanders? A Yes sir.
- Q Were John and Mary Sanders Choctaw Indians? A John Sanders was.
- Q John Sanders is your mother's father? A Yes sir.
- Q How long has he been dead? A He has been dead, I never seen---I expect sixty years.
- Q Was he a resident of the State of Mississippi? A Yes.
- Q What part? A I can't tell you what part. I have heard my mother talk about him many times.
- Q Your mother Jancy Whitworth was married and at the head of a family in eighteen hundred and thirty was she not? A Yes sir.
- Q And lived in Tennessee? A Yes sir.
- Q Where was your father living then? A I don't know.
- Q Where was John Sanders living when your mother was married? A I can't tell you whether he was in Mississippi or Tennessee. I have no knowledge of him.

The applicant also offers in evidence, there is marked exhibit "D" filed and made a part of the record in this application the joint affidavit of R. H. Locker, William Williams and J. M. Stevenson as to this applicant being the son and heir of Russell and Jincey Whitworth.

- Q Is there any additional statement that you want to make? A No I have told all I know.
- Q Have you any witnesses that could in person testify as to your mother's residence in Mississippi and her recognition as a member of the Choctaw Tribe of Indians at the time of this treaty of eighteen hundred and thirty? A I don't know. I think that the only people that came from there have all been dead years

...the ... of ...

...the ... of ...

...the ... of ...

Subscribed and sworn to before me this 4th day of October 1901.

Charles H. Sawyer

Notary Public.

J. F. W.
Cov.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Jefferson Whitworth for identification as a Mississippi Choctaw, N.O.R. 1879.

—: D E C I S I O N :—

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by Thomas Jefferson Whitworth for himself, under the following provision of the act of Congress approved June 25, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the said applicant claimed rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of John Sanders and Russell Whitworth, both of whom are alleged to

have been Choctaw Indians, degree of blood not stated.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that the said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Sanders, or Russell Whitworth, or a maternal ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Jefferson Whitworth as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

treaty of eighteen hundred and thirty, and that the application for
his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

L. M. Smith
SPECIAL AGENT.

(SIGNED)

T. E. Smith
SPECIAL AGENT.

(SIGNED)

C. E. Brockmire
SPECIAL AGENT.

Washington, Indian Territory,

OCT 13 1902

Muskogee, Indian Territory, October 18, 1902.

Thomas Jefferson Whitworth,
#208 West Lost Street,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Jefferson Whitworth, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Jefferson Whitworth as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

T J W E

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

COPY.

NOV 2 1932

Washoe, Indian Territory, October 18, 1932.

Mansfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of October, 1932, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Jefferson Whitworth, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1906 (34 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to what said lands said Indians are entitled, and to administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Jefferson Whitworth as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

M MCM & C 2

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNATURE)

Acting Chairman.

M C R 3279

COPY.

Muskogee, Indian Territory, November 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Thomas Jefferson Whitworth, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 16, 1902.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamm Dixey.
Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 inclosure. M C R 3279.

(COPY)

Letter
87771-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

Jan. 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as a Mississippi Choctaw, of Thomas Jefferson Whitworth, wherein a decision adverse to the applicant was rendered by the commission on October 18, 1902.

The testimony in this case shows that the applicant bases his claim to identification as a Mississippi Choctaw under this application because of his descent from Jemmy (Sanders) Whitworth, who left Mississippi about 1827 and from John Sanders and his wife Mary Sanders, and Russell Whitworth who, the applicant claims were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicant because the names of his ancestors did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional

reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of John Sanders and Mary Sanders, his wife, and Russell Whitworth, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner

(E.B.H.)

D.C.No.4309-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

RAF.

Washington.

ITD.908-1903.

February 7, 1903.

I R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application of Thomas Jefferson Whitworth for identification as a Mississippi Choctaw, including your decision of October 18, 1902, adverse to the applicant.

The applicant claims to be a descendant of one John Sanders and Russell Whitworth, both of whom are alleged to have been Choctaw Indians.

The record fails to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that any one of his alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting January 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

-2-

Upon a careful consideration of the whole record, the
Department affirms your decision.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

I inclose.

M.C.R. 3279

COPY.

Waukegan, Indian Territory, February 21, 1903.

Winfield, Murray & Gurnick,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Thomas J. Whitworth, of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

SIGNED

James Bixby.
Chairman.

COPY.

M.C.R. 8279

Muskogee, Indian Territory, February 21, 1903.

Thomas J. Whitworth,
508 West Last Street,
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

(SIGNED)

Tamie Bixby.
Chairman.

No. 3279

For Identification as a Mississippi Choctaw.

Date

AUG 20 1901

Name

Thomas J. Whitworth

Age

58

Blood

$\frac{1}{4}$

Post Office,

#508 W. 2nd St. Sherman, Texas

Father:

Russell Whitworth - dead.

Mother:

Jency Whitworth - dead

Claims through

mother

Children:

Claims for himself alone.

Stenographer

H. Rosenkrantz

EMPTY

EMPTY

EMPTY

EMPTY

Choctaw MCR 3284

Lena Brooks

See MCR 1781

MCR 3284

3284

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 19, 1901.

In the matter of the application of Lena Brooks for the identification of herself and one minor child as Mississippi Choctaws.

Lena Brooks, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lena Brooks.
- Q What is your age? A Twenty two.
- Q What is your post office address? A Meridian, Mississippi.
- Q How long have you lived in Meridian? A I was raised up here, I have been here ever since I was a child.
- Q Were you born here? A I was born about sixteen miles from here.
- Q And always lived in Rauderdale, County? A Yes sir.
- Q What was your father's name? A Jack Brooks.
- Q Is he living? A No sir, he is dead.
- Q What was your mother's name? A Carrie Coleman.
- Q Is she living? A Yes sir,
- Q Through which one of your parents do you claim Choctaw blood?
- A My mother.
- Q How much do you claim? A One quarter.
- Q Was your father a slave before the war? A Yes sir, I know he was.
- Q What was his blood? A I guess he was African--I never seen my father.
- Q You claim your mother has one half Choctaw blood? A Yes sir.
- Q Did she ever make application for identification as a Mississippi Choctaw? A Yes sir.
- Q When did she come before the Commission? A I don't know the date.
- Q Is your mother the same Carrie Coleman who appeared before the Commission, April 22, 1901, (M.C.R-1782)? A Yes sir.
- Q What is your mother's blood aside from her Choctaw blood? A Indeed I don't know.
- Q Is it white? A No, colored.
- Q Was she a slave before the war? A Yes sir.
- Q Have any others of your family been before the Commission? A No, sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q Are you married? A I have been married, my husband is dead.
- Q What was your husband's name? A Henry Brooks.
- Q What was his blood--negro? A Yes sir.
- Q Have you any children? A One boy.
- Q What is his name? A Louis Brooks.
- Q How old is he? A Six years old.
- Q When and where were you married to Henry Brooks? A Laurel, Mississippi.
- Q What date? A I don't know.
- Q About how long ago was it? A In 1898.
- Q You don't remember the date? A No sir---It was the 14th day of November.

Lena Brooks-----2.

Q Henry Brooks is the father of Lena? A Yes sir.

Q And you are the mother? A Yes sir.

Q This child is living with you at your home? A Yes sir.

Q Is your name or your son's name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.

Q Did you or any one for you or for your son ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you or any one for you or for your child in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this for yourself and your son to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you now appear before that Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and son under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Nation concluded September 27th, 1830, called the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that treaty? A No sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September 1830 between the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. The object of this treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to go to the new country west of the Mississippi, but preferred to remain here in what constituted the old Choctaw Nation. For the benefit of this class of Indians, the following article was inserted in the treaty:

It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw lands."

Lana Brooks----3.

Q That is article fourteen under which you claim your right to be identified now as a Mississippi Choctaw? No you understood that now since I have read it to you? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Do you know the names of any of your ancestors who were living at that time? A No sir.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830, do you know? A No sir.

Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830 or previous to that time? A No sir, I don't know.

Q Did any of your Choctaw ancestors remove from the Choctaw Nation in Mississippi and Alabama and go to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Were any of your Choctaw ancestors ever in the Indian Territory? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever receive or claim any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors ever receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Q You claim you got your Choctaw blood from your mother?

A Yes sir.

Q Through which of her parents did she claim her Choctaw blood?

A From her father and mother, too.

Q What was her father's name? A Hayward Brown.

Q And what was her mother's name? A Cherry Brown.

Q And she claims her Choctaw blood through both of them? A Yes sir.

Q Through which one did Cherry Brown claim her Choctaw blood?

A Through mother and father.

Q What were their names? A I don't know.

Q Were all of your ancestors slaves before the war? A Yes, all of my grandmother's children.

Q All of your grandfathers and grandmothers and great grandfathers and great grandmothers were slaves before the war? A Yes sir.

Q How did they all become slaves if they were Indian? A Indeed I don't know.

Q You never heard about that? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent here in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent, Colonel Ward, failed to register and report to the

Lena Brooks----(2)

government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account, in many instances, the land on which Indians had improvements and which they desired reserved for them under said article fourteen were sold by the government at its public land sales, and the Choctaws were deprived of their land. This action of the government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress, and Congress passed an act which was approved March 3rd, 1837, providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases which Choctaws might claim they had complied with the provisions of article fourteen of the treaty of 1830. In 1852, another similar Commission was appointed for a similar purpose, and this second Commission also had authority to hear the cases of Choctaws who claimed they had complied with the provisions of article fourteen of the treaty of 1830, but had never received their land. This second Commission was duly appointed by the President and came down here in Mississippi and heard a great many cases.

Q Did any of your ancestors appear before either of these Commissions, appointed under the act of Congress approved March 3rd, 1837, and under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrips.

Q Did any of your ancestors ever receive a scrip from the Government of the United States under this act of Congress? A I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Do you know of any witnesses that would be likely to know anything about that fact? A No sir.

Q You said you would like to have your mother's testimony considered and the records in her case considered and made a part of the record you are making now? A Yes sir.

Q Would you like time in which to introduce further testimony in support of this application? A Yes sir.

Q Have you any written testimony here? A No sir.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application, also to introduce the testimony of witnesses if you desire. The Commission will be glad to have you send such written evidence or furnish such testimony as you may see fit to submit within thirty days.

Lena Brecker --- (S)

from this case if possible. If you see fit to bring or send witnesses in testimony in your behalf, they may appear before me at Meridian, Mississippi, and their testimony will be taken in support of your application.

Q Have you any further statements you want to make? A No sir.

This applicant appears to be a full blood negro. She does not speak nor understand the Choctaw language and has no knowledge of any obligations on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on the 19th day of August 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of August, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, August 30th, 1901.

In the matter of the application of Lena Brooks et al
for identification as Mississippi Choctaws, M.C.R. 3284, heard at
Meridian, Mississippi, August 29th, 1901.

Isaac Davis, being first duly sworn, testified as follows in behalf of said applicant:

Examination by the Commission.

- Q What is your name? A Isaac Davis.
Q What is your age? A Fifty-six.
Q What is your postoffice address? A Meridian, Mississippi.
Q What is your occupation? A I work for men round town; work in garden.
Q How long have you lived in Meridian? A Seven years.
Q Where did you live before that? A In Jasper County, amongst the Indians.
Q What did you do among the Indians? A I farmed there.
Q Where were you born? A In Jasper County.
Q What is your blood? A There aint nothing but African.
Q Are you an ex-slave? A Yes sir.
Q Do you know this applicant, Lena Brooks? A Yes sir.
Q You come here in her behalf, as a witness as to her Choctaw blood and as to any compliance by her ancestors with the provisions of the 14th article of the treaty of 1830? A Yes sir.
Q Now make the statement you want to make? A All I know about it is that her great-grandfather was a full blood Indian. Just a straight out Indian, no half about it. Her grandma was an Indian.
Q Is that all you want to say? A That is all I know about the Indian blood. Her mother was a half Indian.
Q Do you know anything more about the matter? A No sir, I only know her people was Choctaw Indians.
Q Do you remember the name of Lena Brooks mother? A Caroline Coleman.
Q Does Lena Brooks claim her Choctaw blood through her mother, or father, or both of them? A Both.
Q Do you know how much Choctaw blood her mother has? A She is half.
Q How do you know that? A I know her when she was born.
Q How do you know she was half Indian? A That is what they say.
Q Then, all you know about her being half Indian is because her mother and others said so? A Yes sir.
Q She claims through her father also? A Yes sir.
Q What is her father's name? A I done forgot it.
Q How much Choctawblood did he have-of your knowledge? A Just about half.
Q How do you know he had half? A Well, he was an injun.
Q You don't know, do you? A I don't know no more than what I hear them say.
Q Who did you hear say that her father was a half Choctaw Indian? A The people.
Q What people? A Been so long now since the time was.
Q Were they slaves before the war? A No sir.
Q Not slaves at all? A No sir.
Q Neither of them? A No sir.
Q Do you know that for sure? A Yes sir.

Lena Brooks et al---2

Q You were a slave? A Yes sir.
Q How did you happen to know about them then? A To tell you the truth, I don't know how much Choctaw blood they have.
Q You don't know anything about it, do you? A The only thing I know whether they were full or half-
Q You don't know whether they were full, half or quarter-do you?
A No sir, but I know her mother is half Indian.
Q Do you know through which one of her grandparents her father claimed Choctaw blood? A Well, her great-grandfather was a full blood Indian.
Q How do you know that? A That is what they say.
Q Who say? A That was all the talk.
Q Do you, of your own personal knowledge, know anything of the ancestors of this woman Lena Brooks? A No more than what I heard them say.
Q Do you personally know anything about this woman's ancestors?
A No sir, I don't.

Witness excused.

Agnes Nixon, being called to testify on behalf of said applicant, states as follows:-

Examination by the Commission.

Q What is your name? A Agnes Nixon.
Q How old are you? A Forty years old.
Q Where do you live? A Out in west end.
Q What is your postoffice address? A Meridian, Mississippi.
Q How long have you lived in Mississippi? A Lived here in Meridian about eighteen years.
Q How long have you lived in Mississippi? A I was born and raised in Jasper County.
Q Have you any Choctaw blood? A They say my grandmother was a half Indian.
Q Have you any Choctaw blood? A Yes sir.
Q Have you ever been before this Commission as an applicant? A No sir.
Q You are appearing here now as a witness in behalf of Lena Brooks? A Yes sir.
Q Do you know that Lena Brooks has any Choctaw blood? A Yes sir.
Q How do you know it? A I know her daddy and her grandmother.
Q What relation are you to Lena Brooks? A Her grandma was my aunt.
Q What relation are you to her? A That aint none.
Q What was Lena Brooks father's name? A Jack Brooks.
Q Was he a Choctaw? A Yes sir, he was a half Indian, but he was no slave.
Q How long did you know him? A I knowed him ever since I was a little girl.
Q Do you know Lena Brooks mother? A Yes sir.
Q Was she a Choctaw? A She was a half Indian.
Q How do you know these facts? A Her grandmother was a half Indian.
Q How do you know that this woman's parents were Choctaw Indians?
A Because all of them said so.

Lena Brooks et al---3

Q Who said so? A All of the white people we belonged to.
Q What is your idea of a Choctaw Indian? A There are two or three kinds of Indians. Her grandpa was a Choctaw Indian.
Q Did you ever see her grandfather? A Yes sir.
Q What was his name? A So Brown.
Q Was that her father's father or mother's father? A Her mother's grandfather.
Q Did you ever hear any of the ancestors of this woman Lena Brooks speak the Choctaw language? A I don't know if they could speak Choctaw, or not. She can't talk Indian. She wasn't raised up with the Indians.
Q Isn't it a fact that this woman, Lena Brooks, parents and grandparents were slaves? A No sir, they wasn't no slaves. They was Indians. Jow Wells and Si Brown were both Indians. Her grandmother was an Indian, Ann Charity. The grandmother of Lena Brooks was a slave and belonged to the same people I belonged to.
Q She was a slave? A Yes sir, but her daddy wasn't.
Q Have you any conception of time-have you any idea how long ago 1830 was? A No sir.
Q This is the year 1901, do you know when 1830 was? A No sir.
Q How long ago would 71 years be? A I don't know.
Q Is there anything more you want to testify about this woman Lena Brooks and her ancestors? A No sir, only I know her aunt Charity was a half Indian and Billy Wells, her grandfather, was a half Indian.

By the Commission:

The testimony offered by the above two witnesses in the matter of the application of Lena Brooks et al for identification as Mississippi Choctaws, is entirely hearsay; the witnesses themselves being to all appearance full blood negroes and neither of them having any personal knowledge of the ancestors of the applicant.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, August 30th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 31st day of August, 1901, at Meridian, Mississippi.


Notary Public.

COPY.

M.C.R. 3224.

Washoe, Indian Territory, July 28, 1902.

Lena Brooks,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmund Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Edmund Coleman,	M.C.R. 1781
Garrie Coleman, et al.,	" 1782
Lena Brooks, et al.,	" 3224
William Coleman,	" 2782

These applications were made under the provision of the act of Congress of June 20, 1902 (32 Stats. 425) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

L B 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmond Coleman, Carrie Coleman, Howard Coleman, Marnel Coleman, Elizabeth Coleman, Lena Brooks, Louis Brooks and Willie Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Commissioner in Charge.

Registered.

M. O. R. 3384.

COPY.

Waskogee, Indian Territory, November 9, 1902.

Lena Brooks,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 25d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edmond Coleman, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Respectfully,

(SIGNED):

Tams Dixby.

Acting Chairman.

No.

3284

For Identification as a Mississippi Choctaw.

Date

AUG 19 1901

Name

Lena Brooks.

Age

22

Blood

1/4

Post Office,

Meridian, Miss.

Father:

Gasit Brooks, stand

Mother:

Carrie Coleman

Claims through

mother

Henry Brooks Negro. (d)

Children:

Louis Brooks. 6

Claims for self & child.

Stenographer

H. C. Risteen.

Choctaw MCR 3285

George Wilson

See MCR 2884

MCR 3285

3285-1

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 19, 1901.

In the matter of the application of George Wilson for the identification of himself and eight minor children as Mississippi Choctaws.

George Wilson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A George Wilson.
- Q What is your age? A About forty eight years old.
- Q What is your post office address? A Java, Mississippi.
- Q How long have you lived there? A I have lived there all my life.
- Q Born there? A Born near there.
- Q And have always lived in Mississippi? A Yes sir.
- Q What is your father's name? A His name was George Wilson.
- Q Is he living? A No sir he is dead.
- Q Is your mother living or dead? A Living.
- Q What is her name? A Edie Wilson.
- Q Through which one of your parents do you claim Choctaw blood?
- A Through both of them.
- Q Are you sure about that? A Yes sir.
- Q How much Choctaw blood did your father have? A I reckon about a quarter from what the old Missus told me. She told me his father was a half Choctaw.
- Q What was the other three quarters of your father's blood, negro?
- A Yes sir.
- Q Were you a slave before the war? A I was born a slave.
- Q How much Choctaw blood do you claim your mother had? A She had one quarter, I guess.
- Q Do you know? A Her mother was one half.
- Q What was the other three quarters of her blood? Negro? A Yes sir.
- Q Was she a slave before the war? A Yes sir.
- Q And your father was a slave before the war? A Yes sir.
- Q How much Choctaw blood do you claim? A If I had any at all, I don't know, sir, but I reckon one quarter, I reckon.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Were your father and mother married? A Yes sir.
- Q They lived together in slavery days? A Yes sir.
- Q Are you sure they were married if they were both slaves? A Of course I didn't see them married, but they married according to the law the white people allowed them.
- Q Did they get a license and were they married by a minister? A I think they were married under the authority that the white people allowed them.
- Q Did they get a license? A No sir, nothing of that sort.
- Q Then they didn't marry just as they marry now? A I don't suppose they did.
- Q That was not the custom in those days for slaves to marry under license? A No sir.
- Q They came together and lived together as all the slaves did according to the custom of the time? A Yes sir.

George Wilson---2.

- Q Were they living together as man and wife up until the time of your father's death? A Yes sir.
- Q When did he die? A He died this year.
- Q How old was he when he died? A I don't know.
- Q Did any of your Choctaw ancestors have Indian names? A I don't know sir.
- Q Through which one of his parents did your father claim his Choctaw blood? A Through his father.
- Q What was his father's name? A Tom Wilson; he went under that name.
- Q Did you ever hear him called any other name? A No sir.
- Q Through which one of his parents did Tom Wilson claim Choctaw blood? A I don't know.
- Q Tom was a slave? A Yes sir.
- Q You don't know which one of his parents had Choctaw blood? A His claim came in I suppose through his mother.
- Q Do you know? A No sir.
- Q Never heard, did you? A No sir.
- Q Do you know anything more about your father's ancestors except Tom Wilson? A No sir.
- Q Did Tom have straight hair? A It was not real straight, it was sort of flaxen.
- Q Flaxen in color? A No, sort of curled up.
- Q Through which parent did your mother claim Choctaw blood? A Her mother.
- Q What was her mother's name? A Charity.
- Q Charity Wilson? A No Charity Windham.
- Q Windham was her master's name? A Yes sir.
- Q Through whom did Charity Windham claim her Choctaw blood? A Her father I think.
- Q Do you know? A No sir, I don't exactly know, but my understanding from my mother --she said it came through her father--Charity's mother if I make no mistake was a slave, but this Choctaw got her by her mother.
- Q Was this Choctaw a slave? A No sir.
- Q What was his name? A I don't remember.
- Q Did you ever hear his name? A No sir, I can remember of hearing what his name was.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Sarah Wilson.
- Q Is she living? A Yes sir.
- Q Is she a negro? A Yes sir.
- Q Do you make any claim for your wife? A No sir.
- Q Have any of your kin made application before the Commission? A None but my brother, Hugh Wilson. He applied July 6. (M.C.R-2884)
- Q Do you wish to have the record made by him considered in this application made by you? A Yes sir.
- Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir, I have eight.
- Q What is the name of the oldest? A Commodore Wilson.
- Q How old is he? A He is twenty.
- Q Next one? A Wade.
- Q Boy? A Yes sir.
- Q How old? A He is about seventeen.
- Q What is the name of the next? A Armina.
- Q Girl? A Yes sir.
- Q How old? A About fifteen.
- Q Next? A Howard.

George Wilson-----3.

- Q Boy? A Yes sir.
Q How old? A About thirteen.
Q Next one? A Onie B.
Q How old? A Yes sir.
Q How old? A About eleven.
Q Next? A Lodie.
Q How old? A About nine.
Q That is a girl? A Yes sir.
Q Next? A Benie.
Q Girl? A Yes sir.
Q How old? A She is about seven.
Q Any more? A Yes, Rush.
Q Boy? A Yes sir.
Q How old is Rush? A Two years old.
Q Is Sarah Wilson the mother of these children? A Yes sir.
Q Are you the father? A Yes sir.
Q Are they all living with you at your home? A Yes sir.
Q Have you your marriage license and certificate of your marriage with Sarah Wilson? A No sir, I married in this county.
Q When were you married? A I couldn't tell you what year.

A reasonable time will be given you to get your marriage license and certificate before the Commission, or a certified copy of it.

- Q Is your name or the name of any one of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
Q Did you or any one for you or for your children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you or any one of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application for yourself and children before this to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi river, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was

George Wilson-----4.

made, some of the Choctaws were unwilling to remove to the new country west of the Mississippi but preferred to remain here in what he constituted the old Choctaw Nation. For the benefit of this class of Indians, the fourteenth article was put into the treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. ~~Each~~ Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the article under which you claim your right to be identified as a Mississippi Choctaw- --Do you understand that article?

A Yes sir--my foreparents came from Alabama.

Q Which of your foreparents came from Alabama? A On both sides.

Q Did your father and mother and all of their people come from Alabama? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I couldn't tell whether they were or not.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in 1830 either in Mississippi or Alabama? A I don't know sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe from 1833 to 1838? A I don't know.

Q Were any of your Choctaw ancestors ever in the Choctaw Nation in Indian Territory? A No sir, not as I know of.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government here at that time their intention to remain in Mississippi and become citizens of the states? A No sir, not as I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your Choctaw ancestors ever receive or claim any benefits under any other article of the treaty of 1830 except article fourteen or under the supplement of that treaty? A No sir.

George Wilson-----5.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the name of those Choctaws who might desire to remain and become citizens of the state. The records of the government show that this agent failed to register and report to the government the names of ~~xx~~ many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek? On this account in many instances the land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were driven from their land. This action of the government

caused many complaints by the Choctaw Indians, until finally Congress passed an act which was approved March 3, 1837, providing for a commission whose duty it should be to come to the state of Mississippi, and hear all claimants who claimed rights as beneficiaries under article fourteen of the treaty of 1830. In 1842, Congress passed another act providing for another Commission for the same purpose, and they also heard claims under article fourteen of the treaty of 1830.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A No sir.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Do you know of any witness who would be able to support your testimony as to your ancestors and the amount of Choctaw blood possessed by you or by them? A Yes sir, I reckon so.

Q Have you those witnesses here? A No sir.

Q Have you any documentary evidence with you? A No sir.

Q Would you like time in which to introduce other testimony and evidence? A Yes sir.

Q Do you know of the existence of any written testimony you could get before the Commission in support of this claim? A My brothers witnesses is all I know.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission will be glad to have you offer such written evidence as

George Wilson-----6.

you may see fit to submit within a period of thirty days from this date. If you should see fit to send or bring witnesses before the Commission to testify in your behalf, they may appear before us within a reasonable time, and their testimony will be taken in support of your application.

- Q Are there any further statements you want to make? A No sir.
Q Do you speak the Choctaw language? A Not to amount to anything.
Q Speak it at all? A I could ask for anything.
Q Where did you learn Choctaw? A I learned it in Mississippi.
Q Can you carry on a conversation with Choctaws? A No sir, not much.

This applicant appears to be descended from negro parentage. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 19th day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of August, 1901.

[Signature]

Notary Public.

M.C.R. 1283

COPY

Muskogee, Indian Territory, February 11, 1903.

George Wilson,

Java, Mississippi.

Dear Sir:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh Wilson, et al.,	M.C.R. 2884
James R. Wilson,	M.C.R. 2956
William Wilson,	M.C.R. 2958
Jesse Wilson,	M.C.R. 3128
Viola Lewis,	M.C.R. 3140
George Wilson, et al.,	M.C.R. 3285
Emma Brooks, et al.,	M.C.R. 3142
Allee Hudson, et al.,	M.C.R. 3141
Joseph W. Windham, et al.,	M.C.R. 2980
Josiah Windham, et al.,	M.C.R. 3286

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat. 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

George Wilson-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Lodie Wilson, Senie Wilson, Rush Wilson, Emma Brooks, Savannah Brooks, Allen Hudson, William Henry Hudson, George Hudson, Johnnie Hudson, Linnie Hudson, Lizzie Hudson, Joseph V. Windham, Louisa Windham, George Windham, Kate Windham, Essie Windham, Abraham Windham, Dora Windham and Willie J. Windham as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby
Acting Chairman

Registered.

M.O.R. 3285

Muskogee, Indian Territory, May 22, 1903.

George Wilson,
Java, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh Wilson, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

James Dixby.
Chairman.

#1296

No. 3285

For Identification as a Mississippi Choctaw.

Date AUG 19 1901

Name George Wilson.

Age 48 (about) Blood 1/4

Post Office, Java Miss.

Father: George Wilson, slave 1d
3/4 neg.

Mother: Edie, slave l.
3/4 neg.

Claims through both
wife. Sarah Wilson. l. neg.
No claim for wife.

Children:

Commodore Wilson,	20
Wade (boy) "	17
Armira (girl) "	15
Howard (boy) "	13
Emie B. (girl) "	11
Ludie " "	9
Senie " "	7
Rush (boy) "	2

Claims for wife & children

Stenographer H.C. Rector

Choctaw MCR 3286

Josiah Windham

See MCR 2884

MCR 3286

3286

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 19, 1901.

in the matter of the application of Josiah Windham for the identification of himself and five minor children as Mississippi Choctaws.

Josiah Windham, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Josiah Windham.
- Q What is your age? A Thirty eight.
- Q Were you living during the war time? A Yes sir, I was a small boy at the surrender.
- Q What is your post office address? A Java.
- Q Mississippi? A Yes sir.
- Q Where were you born? A Neshoba county.
- Q Have you always lived in Mississippi? A Yes sir.
- Q Always in Neshoba County? A Yes sir.
- Q What is your father's name? A Jesse Windham.
- Q Is he living? A No sir.
- Q What is your mother's name? A Elsie.
- Q Is she living? A No sir.
- Q Through which one of these parents do you claim Choctaw blood?
- A Both, I reckon.
- Q How much Choctaw blood do you claim? A About one quarter I reckon.
- Q Have you any white blood at all? A No sir, not as I know of.
- Q Did you ever hear that you had white blood? A No sir.
- Q How much Choctaw blood did your mother have? A One half Choctaw I reckon.
- Q And one half negro? A Yes sir.
- Q No white? A No sir, not as I know of.
- Q How much Choctaw blood did your father have? A One half, too.
- Q And one half negro? A Yes sir.
- Q You say you are one quarter Choctaw, but that would make you one half if your mother was one half and your father was one half--you are more than one quarter or they are less than one half? A That is what they say, I don't know.
- Q Was your father a slave before the war? A Yes sir.
- Q And was your mother a slave before the war? A Yes sir.
- Q And you were during a short time during your early days? A Yes sir.
- Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Sarah.
- Q Is she a negro? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q Have you children under twenty one years of age and unmarried that you want to make application for? A Yes sir.
- Q Give me the eldest one? A Kathleen.
- Q How old? A Twelve.
- Q What? A Sarah.
- Q How old? A Ten years old.

Isaiah Windham----S.

- Q Next? A Abraham.
Q How old? A Seven.
Q What is the name of the mother? A Dora.
Q How old is Dora? A Five years.
Q Next? A Wellie J.
Q Is that a girl? A Yes sir.
Q How old is she? A Three years.
Q Is that all? A Yes sir.
Q Is Sarah Windham the mother of these children? A Yes sir.
Q Are you the father? A Yes sir.
Q They live with you at your home? A Yes sir.
Q When and where were you married to your wife, Sarah? A I was married in Neshoba county.
Q When? A I don't exactly know.
Q How long ago? A It has been sixteen years.
Q Can you remember the date? A Twenty second of January.
Q What year? A In 1885, I think.
Q Married by a minister? A No, but a justice of the peace.
Q Under a license? A Yes sir.
Q Have you your marriage license and certificate with you so that you can submit it and make it part of your application? A No sir.

You are advised that reasonable time will be given you to present your marriage license and certificate or certified copy of the same in support of the application you make for your children.

- Q Were your father and mother married? A Yes sir.
Q Did they marry under a license? A I reckon so, I don't know.
Q They were married in slavery days? A Yes sir.
Q Then you don't know anything much about it? A No sir.
Q Is your name or the name of any one of your children on any of the tribal rolls of the Choctaw nation in Indian Territory? A No, sir, not as I know of.
Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
Q Did you or any one for you or for your children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you or any one of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States court in Indian Territory? A No sir.
Q Have you ever made application before this for yourself and children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty

Josiah Windham-----3.

was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi river, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to remove to the new country west of the Mississippi river but preferred to remain here in what constituted the old Choctaw Nation. For the benefit of this class of Indians, the fourteenth article was put into the treaty. The fourteenth article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the article under which you claim your right to be identified as a Mississippi Choctaw; do you understand that? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No sir, not as I know of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A No sir, I don't know.

Q You claim through both parents? A Yes sir.

Q What is the name of the Indians ancestors through whom your father claims his Indian blood? A I don't know.

Q Didn't you ever hear? A No sir.

Q What is the name of the Indian ancestor through whom your mother claims her Choctaw blood? A I don't know sir.

Q Q Do you remember your father's father or mother? A I remember my grandmother.

Q Was she an Indian? A She was half Indian or something.

Q Do you know anything about her? A No sir, her name was Charity Windham.

Q Was she a Choctaw Indian and did she have a Choctaw name? A I don't know.

Q Was she a slave? A Yes sir.

Q Do you know anything more about your Choctaw ancestors? A No sir.

Q Don't you know the names of any other of your grandparents or great grandparents? A No sir.

Q What did you ever hear about your father and mother having Choctaw blood---who told you they had any? A Mother told me.

Q Did she tell you how much she had? A One half I reckon she told me.

Q Did she tell you that your father had one half? A Yes sir.

Q Did your father ever tell you anything about it? A No sir.

Q Do you speak Choctaw? A No sir.

Josiah Windham-----4.

Q Were any of your Choctaw ancestors recognized as members of the Choctaw tribe of Indians in 1830? A No sir.

Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830 or previous to that time? A No sir, not as I know of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama and go to the Indian Territory with the other Indians between 1833 and 1838? A No sir, not as I know of.

Q Were any of your Choctaw ancestors ever in the Choctaw Nation in Indian Territory? A No sir.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian Agent living in Mississippi that they intended to stay in Mississippi and become citizens of the states? A No sir, not as I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of 1830? A No sir, not as I know of.

Q Did any of your Choctaw ancestors ever receive any land in Mississippi or Alabama from the government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth or under the supplement of that treaty? A No sir, not as I know of.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the government directed an agent in Mississippi to register the names of those Choctaw Indians who might desire to remain and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account, the land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their lands. This action of the government causes many complaints on the part of the Choctaws and finally the matter was brought to the attention of Congress, and Congress passed an act which was approved March 3, 1837, providing for the appointment of a Commission whose duty it should be to go to Mississippi, and hear the cases of Choctaws who might claim that ~~their ancestors~~ they had complied with article fourteen of the treaty of 1830, but had not received any land thereunder. This Commission acted in 1837, and another Commission was appointed to act in the same capacity in 1842.

Q Did any of your ancestors appear before either of these two commissions, appointed under the act of Congress approved March 3, 1837 or under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A No sir, not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, to be taken from

Josiah Windham-----5.

vacant government land, and a certificate to that effect should be given to him. These certificates were called scrip.

- Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A No sir, not as I know of.
Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.
Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.
Q Have you any witnesses before the Commission today that you desire to introduce in support of this application? A No sir.
Q Do you know of any witnesses anywhere that could give testimony that you are descended from Choctaw ancestry? A Yes sir.
Q Where are these witnesses? A In Neshoba county.
Q They are not here to testify? A No sir.
Q Have you any written evidence now? A No sir.
Q Would you like time in which to introduce written or any other evidence? A Yes sir.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission will be glad to have you offer such written evidence as you may see fit to submit within a period of thirty days from this date if it is possible for you to do so. If you see fit to bring or send witnesses before the Commission to testify in your behalf, they may appear before us within a reasonable time at Meridian, Mississippi, and their testimony will be taken in support of your application.

- Q Have you any further statements you want to make at this time? A No sir.
Q Can you speak the Choctaw language? A No sir.
Q Are you recognized among the Choctaw Indians as having Choctaw blood? A Yes sir.
Q Have you any white blood at all? A No sir.
Q Didn't you ever hear that you had any white blood? A No sir.

This applicant has the appearance of a person descended from mixed ancestry of negro and white blood, in which the negro predominates. He claims to have Choctaw blood but the indications seem to be that he is a mixture of white and negro. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 19th day of August, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of August, 1901.

[Signature]
Notary Public.

M.O.R. 2836

COPY

Wesley, Indian Territory, February 11, 1903.

Josiah Windham,

Java, Mississippi.

Dear Sir:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson, et al., embracing the following applications for identification as Mississippi Choctaw:

Hugh Wilson, et al.,	M.O.R. 2834
James R. Wilson,	M.O.R. 2956
William Wilson,	M.O.R. 2958
James Wilson,	M.O.R. 3124
Viola Lewis,	M.O.R. 3140
George Wilson, et al.,	M.O.R. 3285
Sam. Brooks, et al.,	M.O.R. 3142
Alice Wilson, et al.,	M.O.R. 3141
Joseph W. Windham, et al.,	M.O.R. 2980
Josiah Windham, et al.,	M.O.R. 3286

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

Josiah Windham-----

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie H. Wilson, Lodie Wilson, Samie Wilson, Ruth Wilson, Emma Brooks, Savannah Brooks, Aline Hudson, William Henry Hudson, George Hudson, Jennie Hudson, Lissie Hudson, Lissie Hudson, Joseph W. Windham, Louvina Windham, Josiah Windham, Kathleen Windham, Essie Windham, Abraham Windham, and as Chetaw Indians entitled to rights in the Chetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifications as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

James B. B. B.

Acting Chairman

Registered.

COPY.

M.C.R. 3286

Muskogee, Indian Territory, May 22, 1903.

Josiah Windham,

Java, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh Wilson, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

Wm. B. Brien
Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 19 1901

Name Josiah Windham

Age 38 Blood $\frac{1}{2}$ (?)

Post Office, Java, Miss

Father: Jesse Windham, d $\frac{1}{2}$ choc. $\frac{1}{2}$ neg.

Mother: Elsie, d $\frac{1}{2}$ choc. $\frac{1}{2}$ neg.

Claims through both
wife Sarah Windham, negro.

No claim for wife -

Children:

~~Cathleen~~ 12

Kathleen Windham 12

Essie " 10

Abraham " 7 ~~6~~

Lora " 6

Willie J, (girl) 3

Claims for each &
children

Stenographer H.C. Rosten

Choctaw MCR 3287

Mary Leona Swarner

See MCR D.1

MCR 3287

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 21, 1901.

In the matter of the application of Mary Leona Swarner et al.,
for identification as Mississippi Choctaws, heard at Atoka, Indian
Territory, August 21, 1901. M.C. 3288.

In the matter of the application of Lucinda Francis Duncan et
al., for identification as Mississippi Choctaws, heard at Atoka,
Indian Territory, August 21, 1901. M.C. 3289.

In the matter of the application of William Alfred Duncan for
identification as a Mississippi Choctaw, heard at Atoka, Indian
Territory, August 21, 1901. M.C. 3290.

In the matter of the application of Fannie Adcock et al., for
identification as Mississippi Choctaws, heard at Atoka, Indian
Territory, August 21, 1901. M.C. 3290.

In the matter of the application of Luanettie Carpenter for
identification as a Mississippi Choctaw, heard at Atoka, Indian
Territory, August 21, 1901. M.C. 3291.

L. P. Hudson, attorney representing applicants in above cases.

Daniel Duncan being called as a witness and duly sworn testi-
fied as follows:

- Examination by the Commission -

- Q What is your name? A Daniel Duncan.
Q How old are you? A I am sixty-four.
Q Where do you live? A I live now in the Chickasaw nation, I rec-
ken you may call it, I bought there but have not moved yet. It
is at Hickory.
(By Attorney)
Q Town property? A Yes. -- My home is in Missouri.

(By Commission)

- Q What is your occupation? A It has been farming principally, but
very near nothing now, I am not able to do anything.
Q You are a white man? A I prefer to be.
Q You make any claim to Indian descent? A None whatever.

(By Attorney Hudson)

- Q Mr. Duncan, you are the husband of Lucinda Francis Duncan are you
not? A I am.
Q You are the father of William Alfred Duncan, Luanettie Carpenter
and Fannie Adcock are you? A Yes.
Q How long have you known your present wife Mr. Duncan? A About
thirty years.
Q Were you acquainted with her father and mother? A Not personal-

- ly.
- Q Who was her mother as you understand it? A She was the wife of William Larimore, her maiden name was Elizabeth Harris.
- Q About how long ago did she die Mr. Duncan? A I judge it to be about forty-six years ago.
- Q Was you acquainted with either of her parents? A No sir I never seen them.
- Q Who was her father according to the family history, as you understand it? A James Harris.
- Q And state if you know or have been told if it is tradition in family, who the father of James Harris was? A William Harris.
- Q Do you know where James Harris and William Harris came from to Missouri? A Not from personal knowledge but I have been told from Mississippi, or that Country down there that they always call Mississippi.
- Q Do you know whether James Harris had any brothers or sisters? A Of my personal knowledge.
- Q No as you knew the family? A I know from the report that he had one brother.
- Q What was his name? A Thomas I think.

By the Commission.

- Q You say you never knew your wife's mother personally? A No she was dead before I ever seen my wife.
- Q These other people that you have testified as your wife's relatives, the Harris family, did you ever see any of them personally? A No sir.
- Q All of your testimony is hearsay? A Yes sir hearsay evidence.

By attorney,

- Q I will ask you now Mr. Duncan is William Alfred Duncan, Fannie Adcock and Luenettie Carpenter, all children of your present wife, Lucinda Francis Duncan? A The are, I can safely say that because I was present when they were born.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 21 day of Aug. 1901.

A. W. Linebaugh

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T., August 22, 1901.

In the matter of the application of Mary Leona Swarner
for herself and her minor child as Mississippi Choctaws.

Applicant represented by Attorney L. P. Hudson.

Mary Leona Swarner being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Mary Leona Swarner, - Swarner is spelled S-w-a-r-n-e-r.
- Q How old are you? A Thirty-one.
- Q What is your post-office address? Tipton, Missouri.
- Q How long have you lived there? A About thirty-one years.
- Q Were you born there? A Yes.
- Q Never had a home anywhere else? A No.
- Q What is your father's name? A J. C. Martin.
- Q Is he living? A Yes.
- Q What is your mother's name? A Eliza Martin.
- Q Is she living? A Yes.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A About 1/16th I believe.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the authorities of the United States? A No.
- Q Has she made any application here for identification as a Mississippi Choctaw? A Yes.
- Q But she has never been recognized in any other way that you know of? A No, not that I know of.
- Q Are you married? A Yes.
- Q What is your husband's name? A F. C. Swarner.
- Q Is he living? A Yes.
- Q Do you make application for your husband? A No.
- Q He is a white man and makes no claim to Choctaw blood? A No.
- Q Have you any children for whom you wish to make application at this time? A One child.
- Q What is that child's name and age? A Lloyd Paul.
- Q I-A-m-p-l-e? A Yes.
- Q How old? A Five months.
- Q What is your child? A Yes.
- Q What is the name of its father? A F. C. Swarner.
- Q When and where were you married to him? A Cooper County.
- Q When? A Four years ago.
- Q Do you name on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever applied to the Choctaw Tribal Authorities to be enrolled as a member of that tribe? A No.

- Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Not that I know of.
- Q That is five years ago, you would remember if you made such application? A No I did not make it.
- Q Did you authorize any one to make an application for you? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court on appeal from decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this applied to either the Choctaw Tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as members of that Tribe? A No.
- Q This is the first application of any kind that you have ever made? A Yes sir.
- Q You claim now as a Mississippi Choctaw? A Yes.
- Q On what do you base your claim for identification as a Mississippi Choctaw? A Well I don't hardly know.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A The treaty of 1830.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A Under the whole treaty I suppose.
- Q The law under which the Commission is acting at this time in hearing these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis Act which provides "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior". In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states and moving them all to the Country west of the Mississippi River, but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay in their old homes. So article fourteen was made a part of the treaty of 1830, for the benefit of those Choctaws who wanted to remain in Mississippi and Alabama. Article fourteen of the treaty of eighteen hundred and thirty provides, that "each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to, do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If the reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." If those Indians, who wanted to stay there in Mississippi would go to the Indian Agent within six months after the treaty was ratified, and tell him that they wanted to stay and take land they would get land

from the government for themselves and their children under this article and if they lived on this land for five years they would get a title to it. In doing this they would not lose the privilege of Choctaw citizens but if they ever removed they would not get any portion of the Choctaw yearly payments of money. When a little later the government sent a locating agent to locate the land for the Indians it was found that there were a great many whose names were not found on the list made by the Indian Agent, of those people who signified their intention to stay in Mississippi and take land there, so in 1837 and 1842 Commission's were appointed by acts of Congress and sent down into Mississippi to look into this matter and find out which of the Indians were entitled to land under this fourteenth article. These Commissions passed on several hundred claims. Some were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and the by the President if the land claimed by the Indians had not already been sold it was given to them, if it had been sold they were given scrip with which they could locate land from any of the public lands in the States of Mississippi, Alabama, Arkansas or Louisiana. Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that your ancestor through whom you claim lived in the old Choctaw Nation in 1830, and was a recognized Choctaw Indian; to show that he or she went to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi and take land. Now what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A William Harris.

- Q What relation was he to you? A My great great grandfather.
Q You claim your Choctaw blood through your mother? A Yes.
Q How old is your mother? A I don't know just exactly how old. She is about 56 I guess.
Q What was your mother's father's name? A Valentine Martin.
Q And what was her mother's name? A I don't know, her mother died in her infancy and I do not remember what her mother's name was.
Q Which one of your mother's parents claimed to be Choctaw? A Her father.
Q Is her father living? A No.
Q How long has he been dead? A He has been dead about twenty-nine years I guess.
Q About how old would he be if he were living now? A I don't know.
Q Don't you know about how old he was when he died? A No I do not.
Q Did you ever see him? A Yes.
Q But you don't remember him? A No.
Q Was not one of your ancestors less remote than your great great grand father living in 1830? A Not that I know of.
Q What was Valentine Martin's father's name? A Jesse Martin.
Q And what was his mother's name? Polly Martin.
Q And which one of ~~him~~ Valentine Martin's parents claimed to be Choctaw? A His mother.
Q Polly Martin? A Yes.
Q Now what was Polly Martin's father's name? A William Harris.
Q And your grandmother's name before she was married was Polly Harris? A Yes the sister of James and Thomas Harris.
Q Was Polly Harris living in 1830? A I don't know. I presume she was.
Q Was her name Polly Harris or Polly Martin in 1830? A I presume it was Harris in that time.

- Q You think then that your great grandmother was not married in 1830? A I suppose she was at that time.
- Q That was about seventy-one years ago? Yes she was married at that time.
- Q Did Polly Harris live in the Choctaw Nation in 1830? A Not that I know of.
- Q I mean in Mississippi or Alabama? A I do not know.
- Q Did William Harris live in the Choctaw Nation at that time? A I do not know.
- Q Have you any evidence to show that Polly Harris did live in the Choctaw Nation in Mississippi or Alabama in 1830 or can you get any such evidence? A Why I suppose so.
- Q You understand that is a material point in your case? A Yes.
- Q Do you know if Polly Harris went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay and take land there? A I do not know.
- Q Will you get any evidence on that point? A Well I suppose so.
- Q Did Polly Harris ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A Not to my knowledge.
- Q You don't know whether she got any scrip from these Commissioners who were appointed and sent down into Mississippi between 1837 and 1845? A No I don't know that she did.
- Q Are there any other statements that you wish to make at this time in support of your application? A Not that I know of.
- Q Have you any papers that you wish to file now? A Not that I know of.

"Here L. F. Hudson attorney for applicant asks leave to file written evidence in support of this application within the near future."

(Motion is granted)

- Q If you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

Examination by Attorney Hudson.

- Q You are the daughter of J. C. Martin and Eliza Martin? A Yes.
 - Q Your mother has been before the Commission prior to this time? A Yes.
 - Q And your mother and others of the family have made an investigation of this case, and you are depending upon the evidence which they have secured for the evidence in your case? A Yes.
 - Q You have made no personal examination for your case or looked up any testimony? A No.
- By the Commission.
- This applicant has dark eyes, hair and complexion but her features and general appearance are those of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and does not know whether the ancestor through whom she claims lived in Mississippi in 1830.
- Q Have you always been taught that your great grandmother lived in Mississippi in 1830, is that part of your family history? A Well I really don't know, I have never been taught any thing about that.
 - Q Do you speak Choctaw? A No.

G. Roschewinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled case on August 21, 1901, and that the above and foregoing is a full, true and correct transcription of his stenographic notes in said case on said date of August 1901.

G. Roschewinkel

Subscribed and sworn to before me this 21 of August 1901.

A. H. Linebaugh

Notary Public.

Waskagee, Indian Territory, December 2, 1901.

Mary L. Searner,
Tipton, Missouri.

Dear madam:

In the matter of the applications for identification
as Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret E. Rodgers et al., James H. Jones et al.,
Hattie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 21, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions referred to above, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Waskagee, Indian Territory, on Monday,

W. A. S. - 2.

January 15, 1935, at nine o'clock A. M., there will be heard the testimony of said witnesses or present themselves in person in support of your application.

Yours truly,

W. A. S. - 2007

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRDY,
THOMAS M. NEEDLES,
C. R. BRESKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 3287

COPY,

ADDRESS ONLY IN:
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Mary Leona Swanner,

Tipton, Missouri,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.”

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). *T. B. Needles.*

Commissioner in Charge.

Registered.

N C R - 3267

Muskogee, Indian Territory, April 24, 1902.

Mary Leona Swarner,
Tipton, Missouri.

Dear Madam:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Acting Chairman.

M.C.R. 3287.

COPY

Muskogee, Indian Territory, November 16, 1906.

Mary Leona Swarner,

Tipton, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John B. Martin, et al.

Respectfully,

SIGNED

Game Bixby.

Commissioner.

No. 3287

For Identification as a Mississippi Choctaw.

Date AUG 21 1901

Name Mary Leona Swarner

Age 31 Blood 1/16

Post Office, Tipton, Mo.

Father: J. C. Martin

Mother: Eliza Martin

Claims through mother
husband: F. C. Swarner
(no claim for him)

Children:

Lloyd Paul Swarner
5 mo

Claims for self and child

Flournoy Parker

James W. Winkler

Choctaw MCR 3288

Lucinda Frances Duncan

See MCR D.1

MCR 3288

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 21, 1901.

43288

In the matter of the application of Lucinda Francis Duncan for
identification of herself and her three minor children as Missis-
sippi Choctaws.

Applicant represented by L. P. Hudson her attorney.

Lucinda Francis Duncan being first duly sworn testified as
follows:

- Examination by the Commission -

- Q What is your name? A Lucinda Francis Duncan-- D-y-n-c-a-n.
Q What is your age? A Forty-eight.
Q What is your post-office address? A Hickory.
Q What State? A Indian Territory.
Q How long have you lived in the Indian Territory? A Three weeks.
Q Where did you live before you lived in the Indian Territory?
A We lived in Miller County Missouri.
Q How long did you live in Missouri? A I lived there all of my
life with the exception of two years that my father was in Texas
when I was an infant.
Q What is your father's name? A William M. Larimore.
Q How do you spell that surname? A L-a-r-i-m-o-r-e.
Q Is your father living? A Yes.
Q What is your mother's name? A Elizabeth Larimore?
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood
A My mother.
Q How much Choctaw blood do you claim? A one-eighth I suppose.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw Tribe of Indians by the Choctaw Tribal
authorities or the Authorities of the United States? A Not that
I know of.
Q Are you married? A What.
Q Are you married? A Yes.
Q What is your husband's name? A Daniel Duncan.
Q Is he living? A Yes.
Q Do you make any claim for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A No.
Q Have you any children under twenty-one years of age and unmarried
for whom you wish to make application? A Yes three girls.
Q Give the names and ages of these children? A Emma Belle Duncan.
Q How do you spell the second name? A E-m-m-a.
Q How old? A Eighteen.
Q Next? Jessie Duncan.
Q How old? A She is sixteen.
Q Next? Bertha Agnes Duncan.
Q How old? A Fourteen.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Daniel Duncan.
Q When and where were you married to him? A I was married in
Moniteau County, in '72.
Q Is your name or are the names of your children on any of the
Tribal rolls of the Choctaw Nation in the Indian Territory? A No.

- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 16, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes the first.
- Q Do you claim now as a Mississippi Choctaw? A Yes.
- Q On what do you base your claim for identification as a Mississippi Choctaw? A On my mother.
- Q The fact that your mother had Choctaw blood? A She had Choctaw blood, Yes.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A No.
- Q The law under which the Commission is acting at this time in hearing these application is found in section twenty-one of the act of June 28, 1898, commonly known as the "Gurtis Act" and is as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior". This law authorizes the Commission to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In 1830 the Choctaw Indians were living in Mississippi and a few of them in Alabama. The State of Mississippi was being rapidly filled up by white settlers and the United States found it very hard to protect the Choctaws in their Tribal government there and thought it would be best to remove them to a Country west of the Mississippi River where there were no white people, but some of the Indians did not want leave their homes there in Mississippi and the others would not sign any Treaty until something was done for those Indians who wanted to remain in Mississippi, so article fourteen was made a part of the treaty of 1830 for the benefit of those Indians who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of

of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Under this article, all those Indians who did not want to come west could go to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi and take land there. If they did that they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this, they would not lose the right of a Choctaw citizen but if they ever removed would not get any portion of the Choctaw yearly payments of Money. Within six months after this treaty was ratified a great many of the Indians went to the Indian Agent and told him that they wanted to stay in Mississippi but when a locating agent was sent down by the government it was found that there were a large number who claimed that they had gone to the agent and told him that they wanted to stay, whose names were not found on the rolls which the Indian Agent had made, so under acts of Congress Commissioners were appointed to go down into Mississippi and find out just who of these Indians were really entitled to land under the fourteenth article of the treaty of 1830. These Commissioners took up and passed on several hundred cases, some were allowed and some were refused. In those cases where the claim were allowed by the Commissioners and approved by the Secretary of War and by the President, if the land claimed by the Indians had not already been sold it was given to them. If the land they claimed had been sold they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Alabama, Arkansas or Louisiana. Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that the ancestor through whom you claim lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian and within six months after the treaty was ratified went to the Indian Agent and told him that he wanted to take land there. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A William Harris, and James. James Harris was my grand father and William Harris was my great grandfather.

- Q James Harris was your mother's father? A Yes sir.
 Q What was your mother's mother's name? A Now-- I don't know.
 Q James Harris was living in the Choctaw Nation in 1830? A I suppose so.
 Q Have you any evidence to show that he was? A Well it is on record here that he was.
 Q You mean that evidence has already been filed to show that he was? A Yes.
 Q Did James Harris ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A I can't say.
 Q You never heard anything about that? A No.
 Q Did you know your grandfather or did you ever see him? A When I was small I seen him.
 Q You don't remember how he looked? A No I can't say.
 Q Is there anything else that you would like to say at this time, any other statements that you would like to make? A I suppose not.
 Q Have you any papers that you want to file at this time? A I don't think so.

"Here L. P. Hudson attorney for applicant ask's leave to file written evidence in support of this application in the near future."

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case

Examination by attorney Hudson.

Q Now, Susan, you say you are the granddaughter of James Harris? A Yes.

Q And great granddaughter of William Harris? A Yes.

Q I will ask you, whether or not you have personally investigated this case and procured evidence in it or if you are depending upon the evidence already adduced and filed, for your case? A I am depending upon the evidence already filed to a certain extent.

Q Have you made a personal investigation of the matter or have you gotten it from other members of the family? A Other members of the family.

By the Commission.

This applicant has grayish black hair, dark eyes and dark complexion and her features and general appearance are those of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and it appears from her testimony that her grand father lived in Mississippi at the date of the making of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 21, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date in August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 31 day of August 1901.

R. W. Linebaugh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 21, 1901.

In the matter of the application of Mary Leona Swarner et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 21, 1901, M.C. 3287.

In the matter of the application of Lucinda Francis Duncan et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 21, 1901. M.C. 3288

In the matter of the application of William Alfred Duncan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 21, 1901. M.C. 3289

In the matter of the application of Fannie Adcock et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 21, 1901. M.C. 3290

In the matter of the application of Luenettie Carpenter for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 21, 1901, M.C. 3291.

L. P. Hudson, attorney representing applicants in above cases.

Daniel Duncan being called as a witness and duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Daniel Duncan.
Q How old are you? A I am sixty-four.
Q Where do you live? A I live now in the Chickasaw nation, I reckon you may call it, I bought there but have not moved yet. It is at Hickory.
(By Attorney)
Q Town property? A Yes. -- My home is in Missouri.
(By Commission)
Q What is your occupation? A It has been farming principally, but very near nothing now, I am not able to do anything.
Q You are a white man? A I profess to be.
Q You make any claim to Indian descent? A None whatever.

(By Attorney Hudson)

- Q Mr. Duncan, you are the husband of Lucinda Francis Duncan are you not? A I am.
Q You are the father of William Alfred Duncan, Luenettie Carpenter and Fannie Adcock are you? A Yes.
Q How long have you known your present wife Mr. Duncan? A About thirty years.
Q Were you acquainted with her father and mother? A Not personal-

- ly.
- Q Who was her mother as you understand it? A She was the wife of William Larimore, her maiden name was Elizabeth Harris.
- Q About how long ago did she die Mr. Duncan? A I judge it to be about forty-six years ago.
- Q Had you acquainted with either of her parents? A No sir I never seen them.
- Q Who was her father according to the family history, as you understand it? A James Harris.
- Q And state if you know or have been told if it is tradition in family, who the father of James Harris was? A William Harris.
- Q Do you know where James Harris and William Harris came from to Missouri? A Not from personal knowledge but I have been told from Mississippi, or that Country down there that they always call'd Mississippi.
- Q Do you know whether James Harris had any brothers or sisters? A Of my personal knowledge.
- Q No as you knew the family? A I know from the report that he had one brother.
- Q What was his name? A Thomas I think.

By the Commission.

- Q You say you never knew your wife's mother personally? A No she was dead before I ever seen my wife.
- Q These other people that you have testified as your wife's relatives, the Harris family, did you ever see any of them personally? A No sir.
- Q All of your testimony is hearsay? A Yes sir hearsay evidence.

By attorney.

- Q I will ask you now Mr. Duncan is William Alfred Duncan, Fannie Adcock and Luenettie Carpenter, all children of your present wife, Lucinda Francis Duncan? A The are, I can safely say that because I was present when they were born.

Q. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

E. Rosenwinkel

Subscribed and sworn to before me this 21 day of Aug. 1901.

R. Hinebaugh

Notary Public.

Muskogee, Indian Territory, December 8, 1901.

Lucinda F. Dungan,

Hickory, Indian Territory.

Dear Madam:

In the matter of the applications for identification
as Mississippi Choctaws of

John Harris et al., John E. Jones,
Margaret E. Rodgers et al., James M. Jones et al.,
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 21, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and three minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the Office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

L. P. D.--2.

January 15, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3288

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAVIS,
TAMM HIXT,
THOMAS B. NEEDLES,
C. R. BRIDGEMAN

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 3200

COPY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Lucinda Francis Duncan,

Wickory, Indian Territory,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“ ‘Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.’

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Registered.

W C R - 5286

Muskogee, Indian Territory, April 24, 1902.

Lucinda Francis Pusey,

Hickory, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John E. Martin, et al.; of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Acting Chairman.

M C R 3488

Muskogee, Indian Territory, May 11, 1903.

W. A. Duncan,

Wapamaska, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask "Will you please see to the Indian rights of Lucinda F. Duncan and family?" You state "We went to Tishomingo to file on land but found we were not on the rolls."

In reply you are informed that on April 14, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by Lucinda Frances Duncan for the identification of herself and minor children as Mississippi Choctaws, of which departmental action she was duly notified on April 24, 1902, at her last known post office address, Hickory, Indian Territory. The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

M.C.R. 3288.

COPY

Muskogee, Indian Territory, November 16, 1906.

Lucinda Frances Duncan,

Hickory, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG 21 1901

Name Lucinda Frances Duncan

Age 48

Blood 1/8

Post Office, Hickory, L.T.

Father: Am. M. Larimore

Mother: Elizabeth Larimore (dead)

Claims through mother

Husband: Daniel Duncan
(no claim for him)

Children:

Emma Belle Duncan 18

Josie " 16

Bertha Agnes " 14

Claims for self and 3
children

Stenographer

G. Rosenwinkel

Choctaw MCR 3289

William Alfred Duncan

See MCR D.1

MCR 3289

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 21, 1901.

3289

In the matter of the application of William Alfred Duncan for identification as a Mississippi Choctaw.

Applicant represented by L. P. Hudson his attorney.

William Alfred Duncan being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A William Alfred Duncan.
Q What is your age? A Twenty-four.
Q What is your post-office address? A Hickory,
Q Indian Territory? A Yes.
Q How long have you lived there? I came there last spring but
was boarding there and my folks were not there until about
three weeks ago.
Q How long have you been there? A About three months.
Q Where did you live before you lived there? A Miller County
Missouri.
Q How long did you live in Missouri? A All my life.
Q You were born there? A Yes.
Q Never had a home anywhere else until you came to the Territory?
A No sir.
Q What is your father's name? A Daniel Duncan.
Q Is he living? A Yes sir.
Q What is your mother's name? A Lucinda Duncan.
Q Is she living? A Yes sir.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother.
Q How much Choctaw blood do you claim? A 1/16th.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw Tribe of Indians by the Choctaw Tribal
authorities or the authorities of the United States? A No.
Q Are you married? A No.
Q You are making this application for yourself alone? A Yes sir.
Q Is your name on any of the Tribal rolls of the Choctaw Nation
in the Indian Territory? A No.
Q Have you ever applied to the Choctaw Tribal Authorities of the
Indian Territory to be enrolled as a Member of that tribe? A No.
Q Did you or did any one for you in 1896 make application to the
Dawes Commission for citizenship in the Choctaw Nation under the
act of June 10th, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by
the Choctaw Tribal Authorities or by the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by
a judgment of the United States Court in Indian Territory on
appeal from the Decision of the Choctaw Tribal Authorities or the
Dawes Commission? A No.
Q Have you ever before this applied to either the Choctaw Tribal
Authorities or the Authorities of the United States to be admit-
ted or enrolled as a citizen of the Choctaw Nation? A No.

Q This is the first application of any kind you have ever made?
A Yes this is the first.

Q You claim now as a Mississippi Choctaw? A Yes.

Q On what do you base your right to identification as a Mississippi Choctaw? A Because my mother had Choctaw blood.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A The treaty of 1830.

Q Do you claim under the whole of that treaty or under some particular part of it? A Article fourteen.

Q In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of moving them to a Country west of the Mississippi River and give them land there in exchange for their land in Mississippi and Alabama but some of the Indians did not want to come and the others would not sign any treaty until some provision was made for those Indians who wanted to stay in Mississippi so article fourteen was made a part of the treaty of eighteen hundred and thirty for the benefit of these Indians who wanted to stay in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides that "Each Choctaw head of a family being desirous to remain and become a citizens of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi and take land there but when a locating agent was sent down by the government to locate the land for these people it was found that there were a great many Indians who claimed that they had gone to the land agent and had been located but they wanted to stay where their names were not found on the roll which the Indian Agent had made. This matter caused a great deal of complaint, so Congress passed acts on March 3, 1837 and on August 23, 1842, appointing Commissioners to go down into Mississippi and investigate the matter and find out who of these claimants were really entitled to land there under this fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases, some were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if the land had been sold they were given scrip which was exchangeable for land from any of the public lands in the States of Mississippi, Alabama, Arkansas or Louisiana. Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that the ancestor through whom you claim lived in Mississippi in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian and went to the Indian

- Agent and told him that he wanted to stay in Mississippi and take land there or tried to signify that intention within six months after the treaty of eighteen hundred and thirty was ratified. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A William Harris and James Harris.
- Q What relation were they to you? A James Harris was my great-grandfather and James Harris was the son of William Harris.
- Q What was your mother's father's name? A William Larimore.
- Q What was your mother's mother's name? A Elizabeth Larimore.
- Q Which one of your mother's parents claimed to be Choctaw? A My mother's mother-- my grand mother.
- Q What was your grandmother's father's name? A James Harris.
- Q Do you know what your grandmother's mother's name was? A No.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Which one of my grandmother's parents?
- Q Yes? James Harris.
- Q Was James Harris living in the old Choctaw Nation in 1830? A Yes.
- Q Have you evidence to show that? A No.
- Q You expect to get evidence to show whether he was living there at that time? A Yes.
- Q Did James Harris go to the Indian Agent there within six months after the treaty was ratified and tell him that he wanted to take land there? A Yes.
- Q Do you know this? A Yes, well I don't know myself----
- Q Of course you don't know that of your own personal knowledge. A I have been taught that.
- Q You mean you have been taught that in your family? A Yes.
- Q Do you know whether James Harris ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A don't.
- Q You never heard? A No.
- Q Are there any other statements that you want to make at this time in support of your application? A No.
- Q Have you any papers that you wish to file now? A No.

"Here L. P. Hudson attorney for the applicant ask's leave to file written evidence in support of this claim in the near future"

Motion is granted.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their deposition or affidavits or any documentary evidence, the same will be accepted and made a part of the record in your case. By attorney Hudson.

- Q Mr. Duncan, you are a son of Lucinda Duncan? A Yes.
- Q And a grand son of Elizabeth Larimore? A Yes.
- Q And a great grand son of James Harris? A Yes.
- Q And a great great grand son of William Harris? A Yes.
- Q Have you personally looked up the testimony in this case or are you depending upon the testimony submitted by other members of your family? A I am depending upon the evidence given by other members of the family. I never looked it up personally.

AV

11

*

S. Rosenwald being duly sworn as his oath stating that
he subscribed to the Commission to the Five Civilized Tribes
in 1901 and that the same was in the hands of the
said Commission on August 21, 1901 and that the same was a
true and correct transcript of his stenographic notes
in said case of the said date of August 1901.

S. Rosenwald

Subscribed and sworn to before me this 21st day of August 1901.

R. H. Hinchey

Notary Public

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Muskogee, Indian Territory, December 2, 1901.

William A. Dumas,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret B. Rodgers et al., James M. Jones et al.,
Hannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 21, 1901, you made personal application to this Commission for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

W. A. D.--2.

January 13, 1908, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-5289

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXON,
THOMAS B. NEEDLES,
C. R. BROWN.
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 3289

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

William Alfred Duncan,

Nickery, Indian Territory,

Dear sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississippis Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

M C R - 3269

Muskogee, Indian Territory, April 24, 1902.

William Alfred Duncan,

Hickory, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John E. Martin, et al.; of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Acting Chairman.

M. C. R. 3289

Muskogee, Indian Territory, August 24, 1903.

W. A. Duncan,

Hickory, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 19, asking what you can do to establish your claim as Mississippi Choctaws, and in reply to your letter you are informed that the Commission having, on March 15, 1902, rendered its decision refusing the applications for identification as Mississippi Choctaws of Lucinda F. Duncan, et al., of which case your application was a part, and the Secretary of the Interior having, on April 14, 1902, affirmed the decision of the Commission, the Commission therefore considers this case closed, and cannot accept or consider any further evidence in support of this claim.

Respectfully,

Commissioner in Charge.

M.C.R. 3289.

COPY

Muskogee, Indian Territory, November 16, 1906.

William Alfred Duncan,

Hickory, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. G. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

No. 3289

For Identification as a Mississippi Choctaw.

Date AUG 21 1901

Name William Alfred Duncan

Age 24 Blood 1/16

Post Office, Hickory, D. T.

Father: Daniel Duncan

Mother: Lucinda F. Duncan

Claims through mother

~~Children:~~

Claims for self alone.

Stenographer

G. Rosenwinkel

Choctaw MCR 13290

Fannie Adcock

See MCR D.1

MCR 3290

Department of the Interior,
Commission to the Five Civilized Tribes,
Anoka, I.T. August 31, 1901.

In the matter of the application of Fannie Adcock for the
identification of herself and her two minor children, as Mississippi
Choctaws.

Applicant represented by L. P. Hudson her attorney.

Fannie Adcock being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie Adcock.
Q A-d-e-c-o-k? A Yes.
Q How old are you? A Twenty-seven.
Q What is your post-office address? A Magnolia, Missouri, Johnson
County.
Q How long have you lived in Missouri? A I have always lived
there; was born and raised there.
Q Never lived anywhere else? A I never lived anywhere else.
Q What is your father's name? A Daniel Duncan.
Q Is he living? A Yes.
Q What is your mother's name? A Lucinda Francis Duncan.
Q Your mother living? A Yes sir.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Your father is a white man? A Yes sir.
Q Are you married? A Yes sir.
Q Your husband a white man? A Yes sir.
Q Making any application for him? A No sir.
Q What is his name? A James A. Adcock.
Q When did you marry him? A I married him six years ago last
March, the 10th day of March.
Q How many children? A Three.
Q Do you want to make application for your children? A I do.
Q What are their names and ages? A The oldest one is Beulah
Laurine Adcock, five years old-- Ola Marie Adcock,
Q How old? A Three.
Q You are the mother of both of these children? A I am.
Q Is James A. Adcock their father? A He is.
Q The children all live with you at your home? A They do.
Q You never have maintained a residence in the Indian Territory?
A Never.
Q Have you ever been enrolled by the Choctaw Tribal Authorities
in the Indian Territory as a citizen of the Choctaw Nation?
A No sir.
Q Have you or any one for you or your children ever made applica-
tion to the Choctaw Tribal Authorities for citizenship in the
Choctaw Nation? A No.
Q The day of June 10th, 1901, occurred the Tribal

Authorities of the Choctaw Nation and the Commission to the Five Civilized Tribes to hear and determine original applications for citizenship in the Choctaw Nation. Did you or did any one for you or your children make application to either the Choctaw Tribal Authorities or this Commission at that time? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of this Commission or the authorities of the Choctaw Nation? A No sir.

Q Have you or has any one for you or your children ever made application prior to this time to either the Choctaw Tribal authorities or the authorities of the United States for citizenship or for enrollment as citizens of the Choctaw Nation? No sir.

Q Is this the first application of any kind you have ever made? A Yes sir.

Q The application you are now making is on behalf of yourself and your two children for identification as Mississippi Choctaws, is that correct? A I suppose it is.

Q You claim your rights as beneficial under the fourteenth article of the treaty of eighteen hundred and thirty? A I do.

Q You understand fully what the provisions of that article are? A Well, I don't know that I do fully.

Q Prior to 1830 the Choctaw Indians occupied what is known as the Choctaw Nation in Mississippi and Alabama. The encroachment of the white people progressed to such an extent that the United States government desired to open that country to settlement and remove the Choctaw Indians from the country then occupied by them to some district west of the Mississippi River where they could have undisputed possession and follow the pursuits of hunting and fishing and other customs of their tribe. A treaty was entered into in 1820 providing for the cession of a part of the Choctaw Nation in Mississippi and in 1830 negotiations were begun between a Commission on the part of the United States and the Chiefs of the Choctaw Tribe in Mississippi and Alabama providing for the removal of the tribe from the lands occupied by them in Mississippi and Alabama to some country west of the Mississippi River. The Choctaws were very loath to enter into such a treaty and refused to make any agreement that did not provide for the protection of those Choctaws who wanted to remain in Mississippi, so in September eighteen hundred and thirty a treaty was drafted and was accepted and agreed to by the Choctaw Indians and which provided in its fourteenth article provisions for those Choctaws desiring to remain. This article is as follows:

"Each Choctaw head of a family desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

After the ratification of this treaty the United States Indian Agent to the Choctaws in Mississippi did receive the declarations of some one hundred and forty heads of families who desired to take advantage of the provisions of this article. After the expiration of the six months required in which the Indians should signify their intention, and within three years subsequent thereto the United States government had information brought to its attention and the fact that there still remained in the Choctaw Territory in Mississippi over seven thousand Choctaw Indians, a large number of which claimed benefits under the fourteenth article of the treaty of eighteen hundred and thirty and for the adjudication of these claims Commissions were appointed by acts of Congress in 1837 and 1842. These Commissioners reported to the Secretary of War a large number of names of Choctaws who they believed were entitled to benefits under this article of the treaty of eighteen hundred and thirty. Most of these claims were approved and in 1842 Congress enacted legislation for the satisfaction thereof and the government then issued to those Choctaws whose claims had been adjudicated scrip which was exchangeable for land in the public domain in the States of Mississippi, Alabama, Arkansas or Louisiana. In 1898 the Congress of the United States empowered this Commission to hear and determine the claims of persons making applications for identification as Mississippi Choctaws, claiming rights in the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. You have said in your testimony that you are twenty seven years of age, a resident of the State of Missouri, and that you claim your Choctaw Indian blood through your mother Lucinda Francis Duncan. How old is she? A She is forty-eight.

- Q What was her maiden name? A Lucinda Francis Larimore.
 Q How do you spell it? A L-a-r-i-m-o-r-e.
 Q What were her parents names? A Elizabeth Larimore was her mother's name.
 Q What was her father's name? A William Larimore.
 Q Which one of her parents was a Choctaw? A Her mother.
 Q What was Elizabeth Larimore's maiden name? A Elizabeth Harris.
 Q Is Elizabeth Larimore living? A No sir.
 Q How long has she been dead? A I don't know just how long, she has been dead.
 Q Did you ever see her? A No sir.
 Q Did before you was born? A Yes sir.
 Q Have you any idea about when she died? A I have heard mother say that she was just a little child about two years old when her mother died.
 Q Did you ever hear her say how old she was? A No sir.
 Q Did your mother ever live in Mississippi? A No, not that I know of.
 Q Did Elizabeth Larimore or Elizabeth Harris ever live in Mississippi? A No sir.
 Q What was the name of your ancestor who did live in Mississippi in eighteen hundred and thirty at the time this treaty was entered into between the United States and the Choctaw Indians? A I do not know.
 Q Do you know anything about any of your ancestors residing in the state of Mississippi in the year eighteen hundred and thirty? A No I do not, only what I heard the folks tell me.
 Q What is the name of your ancestor through whom you claim your right for identification as a Mississippi Choctaw? A I claim it through my mother Lucinda Francis Duncan or Larimore is what her maiden name was, if I understand the question right.

Q Have you any witnesses here in person who can testify relative to your ancestors residence in Mississippi in 1830 or any documentary evidence that might be material to your claim as a Mississippi Choctaw? A No, I don't know nothing, unless it would be my mother herself.

Q Your mother here? A Yes she is here in town, she appeared before you this morning.

Q Have you any knowledge of any of your ancestors residence in Mississippi, if any of them ever lived there? A No I don't know anything about them. My mother said that her mother died when she was just a mere child. I don't know anything only what I heard them say.

* Here L. P. Hudson, attorney for applicant ask's leave to file written evidence in support of this claim in the near future.

To Attorney.

Q Evidence of what character Mr. Hudson? A I said written evidence.

Q To prove what? A Whatever it is necessary to prove in this case.

Q Have you any witnesses in person who you bring here to testify?

A I do not expect to bring any witnesses because it is not necessary. They are dead and besides the Commission has their testimony. What I expect to do is to prove that she is a descendant of these people.

Q Is this evidence of such character that it could not be produced by witnesses here in person? A I have just told you that both of these witnesses are dead.

Q What is the testimony that you expect to produce? A I told you what it was; copies of affidavits of certain people that are dead, Allen and Pistole, I don't remember their given names.

Q The idea in the introduction of the testimony of James Allen and John Pistole who appeared before the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 21, 1888 in the matter of the application of J. S. Martin et al for identification as Mississippi Choctaws is for the purpose of showing that this woman belongs to the same family that these people do? A Same family.

Q This woman says she knows nothing about any ancestors further back than her grandmother? A No you did not ask her.

Q Yes I asked all about this.

By Attorney L. P. Hudson.

Q You say that your mother's name is Lucinda Francis Duncan nee Larimore? A Yes.

Q Now what was her father's name? A William Larimore.

Q What was her mother's name? Elizabeth Larimore, her maiden name was Elizabeth Harris.

Q What was Elizabeth Harris father's name? A James Harris.

Q And who was James Harris's father? A William Harris.

Q Have you made a personal examination of this matter and looked up this testimony or are you relying upon the examination that has been made by other who have gone before you? A By others who have gone before me.

Q You have not personally investigated this matter? A No I have not.

Q And you are relying upon the investigation made by others? A Yes.

By the Commission.

- Q Do I understand from the statement that you have made that you are the daughter of Lucinda Francis Duncan who is now forty eight years old? A Yes.
- Q And she is the daughter of Elizabeth Larimore whose maiden name was Harris? A Yes sir.
- Q You state that she died when your mother was about two years old? A I think so, I heard mother speak about her being very small when she died, I don't know just exactly.
- Q Have you ever heard any one say or have you any knowledge of how old Elizabeth Larimore was when she died? A No.
- Q She was a grown woman? A She must have been.
- Q Did Elizabeth Harris have any children older than your mother? A Yes she had older children, my mother was not the oldest.
- Q She was the daughter of James Harris and Elizabeth Harris? A Yes.
- Q And James Harris was a son of William Harris? A Yessir.
- Q You claim your right to identification as a Mississippi Choctaw from this William Harris? A Yes sir.
- Q Is there any additional statement that you desire to make in support of your application or are there any witnesses that you wish to introduce at this time? (By attorney) We wish to introduce one witness)
- Q Have you any documentary evidence, any deeds, copies of records or any proper papers of any description showing that your ancestors were ever residents of the State of Mississippi and that they complied or attempted to comply with the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Can you speak the Choctaw language? A No sir.

* The applicant in this case is apparently a white man and unable to speak the Choctaw language.*

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 21, 1901, and that the above and foregoing is a full true, and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 4 day of October 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, December 2, 1901.

Fannie Adcock,

Wagonville, Missouri.

Dear Madam:

In the matter of the applications for identification as
Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret B. Rodgers et al., James M. Jones et al.,
Fannie A. Lawton et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 31, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and two minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

7. A.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

N. O. - 5290

Commissioner in Charge.

COMMISSIONERS
HENRY F. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 3290

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Fannie Adcock,

Magnolia, Missouri,

Dear madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.,	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“ ‘Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.’

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Luciada Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

K C K - 1200

Muskogee, Indian Territory, April 24, 1902.

Fannie Adcock,

Maguelia, Missouri.

Dear Madam:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of John E. Martin, et al., of which decision you were advised by registered mail on the 10th day of March, 1902.

Yours truly,

Acting Chairman.

M.C.R. 3290.

COPY

Muskogee, Indian Territory, November 16, 1906.

Fannie Adcock,

Magnolia, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John B. Martin, et al.

Respectfully,

SIGNED

Wams Bixby.
Commissioner.

No. 3290

For Identification as a Mississippi Choctaw.

Date

AUG 21 1901

Name

Fannie Adcock.

Age

27

Blood

$\frac{1}{16}$

Post Office,

Magnolia, Mo.

Father:

Samuel Duncan - ✓

Mother:

Lucinda F. Duncan - ✓

Claims through

mother

HUSBAND:

James A. Adcock,
(no claim for husband).

Children:

Bessie Laurie Adcock 5

Ola Marie " 3

Claims for self and 2 children.

Stenographer

G. G. G. G. G.

Choctaw MCR 3291

Luenettie Carpenter

See MCR D.1

MCR 3291

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 21, 1901.

#3891

In the matter of the application of Luenettie Carpenter for identification as a Mississippi Choctaw.

Applicant represented by L. P. Hudson her attorney.

Luenettie Carpenter being first duly sworn upon her oath testified as follows:

- Examination by the Commission -

- Q What is your name? A Luenettie Carpenter.
Q How do you spell that? A L-u-e-n-e-t-t-i-e C-a-r-p-e-n-t-e-r.
Q How old are you? A Twenty.
Q What is your post-office address? A Eldon, Miller County, Missouri.
Q How long have you lived at Eldon? A I live two miles of Eldon.
Q How long have you lived in Missouri? A All my life.
Q Never had a home anywhere else? A No sir.
Q What is your father's name? A Daniel Duncan.
Q Your father living? A Yes sir.
Q What is your mother's name? A Lucinda Francis Duncan? A
Your mother living? A Yes sir.
Q Through which one of your parents do you derive your Choctaw blood? A My mother's side.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Are you married? A Yes sir.
Q What is your husband's name? A Charley A. Carpenter.
Q Is he a white man? A Yes sir.
Q Make any claim for your husband? A No sir.
Q Have you any children? A No sir.
Q Making this application for yourself alone? A Yes sir.
Q Have you ever been enrolled by the Choctaw Tribal Authorities in the Indian Territory as a citizen of the Choctaw Nation? A No sir.
Qc Have you or has any one for you ever made application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation? A No sir.
Q The act of Congress of June 10th, 1896 empowered the Tribal authorities of the Choctaw Nation and the Commission to the Five Civilized Tribes to hear and determine original applications for citizenship in the Choctaw Nation. Did you or did any one for you ~~anyone~~ in 1896 make application for citizenship in the Choctaw Nation to this Commission? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Tribal authorities of the Choctaw Nation or the Commission to the Five Civilized Tribes? A No sir.

- Q Have you or has any one for you ever made application of any description to either the Choctaw Tribal Authorities or the Authorities of the United States prior to this time for citizenship in the Choctaw Nation? A No sir.
- Q The application you are now making is for identification as a Mississippi Choctaw? A Yes sir.
- Q You claim your rights as a beneficiary under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes sir.
- Q You understand what the provisions of that article of that treaty are? A Yes sir I do.
- Q Have you read the treaty? A No sir. Ask that question again.
- Q Do you understand the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? Oh! I have not.
- Q The conditions which existed between the Choctaw Indians in the States of Mississippi and Alabama and the United States prior to the making of the treaty of eighteen hundred and thirty were of such a character as to make the government of the United States desirous to remove the Choctaw Indians from the Territory then occupied by them to some section of the public domain west of the Mississippi River. It was impossible for the government to formulate any agreement which would be satisfactory to the Choctaws then residents of Alabama and Mississippi that did not contain a provision for the protection of such members of the tribe who wished to remain in Mississippi and Alabama, the Country then occupied by them and receive their allotments there. In September eighteen hundred and thirty a Commission on the part of the United States met the several Chiefs of the Choctaw tribe but were unable to enter into any agreement that did not protect those Choctaws who wanted to remain in Mississippi. After considerable negotiations such a clause was inserted in the treaty and on September twenty seventh, the treaty was adopted, with the fourteenth article which provided as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they desire upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months required by the fourteenth article numerous Choctaw heads of families did so signify their intention to remain in Mississippi to the agent there. After six months and within the subsequent two years the attention of the government was brought to the fact that there still lived in Mississippi some seven thousand families who claimed rights under this fourteenth article of the treaty of eighteen hundred and thirty. In the adjudication and settlement of such claims, Commissioners were authorized by the ~~government~~ Congress of the United States, and reported to the Secretary of War the names of numerous Choctaw Indians as entitled to benefits under the fourteenth

article of the treaty. In eighteen hundred and forty two, twelve years after the ratification of this treaty Congress enacted legislation for the settlement of these claims which had arisen under this treaty. In the settlement of these claims the government issued to the Choctaw Indians scrip which was exchangeable at the rate of fifty cents per acre for land from any of the public domain in the States of Mississippi, Alabama, Arkansas or Louisiana. Do you understand that? A I understand part of it and part I don't.

- Q What part don't you understand? A I could not tell you what part.
- Q You understand that you are now making application as a Mississippi Choctaw? A Yes sir.
- Q That the only authority this Commission has is to hear and determine the identity of so called Mississippi Choctaws claiming rights under article fourteen of the treaty of eighteen hundred and thirty. Now I have explained to you as clearly as possible the conditions that existed prior to the making of the treaty of eighteen hundred and thirty and the fourteenth article embodied therein, and the subsequent acts of the United States government. Now, you clearly understand that? A No, I don't understand it yet.
- Q What is it that you don't understand? A I could not tell you just what it is.
- Q Were any of your ancestors residents of the state of Mississippi and Choctaw Indians at the time this treaty was made? A How is that.
- Q Were any of your ancestors residents of the state of Mississippi and Choctaw Indians at the time this treaty was made? A I could not tell you.
- Q You know anything about it? A No sir.
- Q You are twenty years old are you? A Yes sir.
- Q And always lived in Missouri? A Yes sir.
- Q Your mother's name is Lucinda Francis Duncan? A Yes sir.
- Q What was her maiden name? A Lucinda Francis Larimore.
- Q How old is your mother? A Forty-eight.
- Q Where was she born? A I could not tell you just where she was born.
- Q Your mother ever live in Mississippi? A Not that I know of.
- Q What are your mother's parents names? A William Larimore was her father's name and her mother's name was Elizabeth Larimore.
- Q And her maiden name? A Was Elizabeth Harris.
- Q You claim your Choctaw descent through Elizabeth Harris? A Yes sir.
- Q Did she ever live in Mississippi? A I could not tell you.
- Q Is Elizabeth Harris living? A No I guess she ain't.
- Q Do you know who Elizabeth Harris mother and father was? A No sir I don't know.
- Q Have you any knowledge of any of your ancestors ever living in Mississippi? A No sir.
- Q Have you any witnesses here who might testify in person as to your ancestors living in Mississippi and their recognition as Choctaw Indians? A No sir.
- Q Have you any documentary evidence, any papers or copies of deeds, records or patents or anything that will show relative to your ancestors living in Mississippi? [No answer.]

* Here L. P. Hudson attorney for applicant asks leave to file written evidence in support of this claim in the near future."

#4

To Attorney Hudson.

Q Evidence of what character Mr. Hudson? A Same as in the other cases, certified copies of records on file and other affidavits or depositions.

Examination by Attorney Hudson.

- Q Mrs. Carpenter, you say that your mother's maiden name was Lucinda Francis Larimore? A Yes sir.
- Q Who was her father and mother? A Her mother was Elizabeth Harris and her father William Larimore.
- Q You say her name was Elizabeth Harris, you mean that was her maiden name? A Yessir.
- Q And Elizabeth Larimore was her married name? A Yes sir.
- Q Now who was Elizabeth Harris's father? A Elizabeth Harris's father.
- Q Yes; she was a Harris and her father?-- (no answer)
- Q Don't you remember? (No answer)
- Q Well for the purpose of refreshing your memory I will ask you if his name was James Harris? A Yes.
- Q Do you remember that from your own self or was it on account of my speaking about it? A I remember it now.
- Q Now do you remember who James Harris's father was? William Harris.
- Q Then you claim your Choctaw blood through William Harris do you? A Yes sir.
- Q And through James Harris his son? A Yes sir.
- Q Then through Elizabeth Harris the daughter of James Harris and through your mother Lucinda Francis Duncan who was the daughter of Elizabeth Harris? A Yes sir.
- Q Now Mrs. Carpenter have you looked up this family history in the interest of making this case or have other people attended to it for you? A I took other people's word for it.
- Q Are these matters of memory, entirely with you, you have no record to go by? A No sir, no record at all.

By the Commission.

Q Do you speak Choctaw? A No sir.

The applicant in this case has some slight appearances of a Choctaw Indian, copper colored complexion but has very little of the general features of an Indian. Her hair is straight and black and she is unable to speak the Choctaw language.

G. Rosenwald being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 31 day of Aug 1901.

R. W. Hinabach
Notary Public.

Mustang, Indian Territory, December 2, 1901.

Emmette Carpenter,

Elson, Missouri.

Dear Madam:

In the matter of the applications for identification as
Mississippi Cheaters of

John Harris et al., John L. Jones,
Margaret E. Rodgers et al., James H. Jones et al.,
Nannie A. Lawson et al.,

you are informed that under date of July 21, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 21, 1901, you made personal application to this Commission for identification as a Mississippi Cheater, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Mustang, Indian Territory, on Monday,

L. G.--2.

January 15, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

H.G.-5291

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAVIS,
TAMM BERRY,
THOMAS B. HAZELTON,
C. R. BRIDGEMAN.

ALLISON L. AYLEWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 2291

ADDRESS ONLY IN THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 13, 1902.

Lucretia Carpenter,

Widen, Missouri,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

" 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.' "

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

M C R - 3291

Muskogee, Indian Territory, April 24, 1902.

Lamettie Carpenter,
Eldon, Missouri.

Dear Madam:

You are hereby advised that on the 18th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Shootaws of the several persons included in the consolidated case of John E. Martin, et al.; of which decision you were advised by registered mail on the 18th day of March, 1902.

Yours truly,

Acting Chairman.

M.C.R. 3291.

COPY

Muskogee, Indian Territory, November 16, 1906.

Luenettie Carpenter,

Eldon, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

No. 3291

For Identification as a Mississippi Choctaw.

Date AUG 21 1901

Name Luenettie Carpenter

Age 20 Blood 1/16

Post Office, Eldon, Mo.

Father: Daniel Duncan - ✓

Mother: Lucinda F. Duncan - ✓

Claims through mother

HUSBAND:

Charlie A. Carpenter - ✓
(no claim for husband).

Children:

Claims for herself alone.

Stenographer

G. Rosenwinkel.

Choctaw MCR 3292

James F. Carpenter

See MCR D. 1

MCR 3292

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 21, 1901.

2222.

In the matter of the application of James Franklin Carpenter
for the identification of himself and his two minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

James Franklin Carpenter being first duly sworn testified as
follows:

- Examination by the Commission -

- Q What is your name? A James Franklin Carpenter.
Q What is your age? A I will be twenty seven years old the 21st
of January.
Q What is your post-office address? A Bunceton, Missouri.
Q How do you spell it? A B-u-n-c-e-t-o-n.
Q Do you live at Bunceton? A I live six miles East of Bunceton.
Q Have you always lived in Missouri? A Yes sir.
Q Never had a home anywhere else? A No sir.
Q Have you ever maintained a residence in the State of Mississippi
or in the Indian Territory? A No sir.
Q What is your father's name? A Gabriel Carpenter.
Q Is he living? A Yes sir.
Q What is your mother's name? A Sarah Katherine Carpenter.
Q Your mother living? A Yes.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever made application to this Commission for
citizenship in the Choctaw Nation? A No sir.
Q Any of your brother's or sisters or members of your family? A
None of my father's children.
Q Are you married? A Yes sir.
Q What is your wife's name? A Gertie Carpenter.
Q Is she a white woman? A Yes sir.
Q Where did you marry her? A Bunceton, Missouri.
Q When? A Ninety-six November the eighteenth.
Q Make any claim for your wife? A No sir.
Q Have you any children? A I have two children.
Q What are their names and ages? A Gabriel William Carpenter.
Q How old? A Four years old on the fourteenth of August.
Q Next? A Katherine Laurinda Carpenter.
Q How old is Katherine? A She is one year old the fifteenth day
of March.
Q You are the father of both of these children? A Yes sir.
Q Gertie Carpenter the mother? A Yes sir.
Q Have you your marriage license and certificate of your marriage
with you? A I have it at the hotel.
Q You might as well go and get it? A Alright I have several other
papers. I did not think of coming before the Commission just now.

Applicant goes to hotel for papers and returns.

"The applicant here offers in evidence, there is marked exhibit 'A', filed and made a part of the record in this application, certified copy of the marriage license and certificate between James F. Carpenter and Gertie Hayes of the 14th of November 1896."

- Q You have never resided in the Indian Territory have you Mr. Carpenter? No sir.
- Q Have you ever been enrolled by the Choctaw Tribal Authorities in the Indian Territory as a citizen of the Choctaw Nation? No sir.
- Q Have you ever made application or has any one ever applied for you to the Choctaw Nation for citizenship in that tribe? A No sir.
- Q The act of Congress of June 10th 1896 authorized and empowered this Commission and also the Tribal Authorities of the Choctaw Nation to hear and determine original applications for citizenship in the Choctaw Nation. Did you or did any one for you at that time make application? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.
- Q Have you or has any one for you ever made any application for citizenship in the Choctaw Nation? A No sir.
- Q The application you are now making in for identification of yourself and your two children as Mississippi Choctaws, is it not? A Yes sir.
- Q Do you claim your rights as beneficiaries under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes sir.
- Q Do you understand thoroughly that article of the treaty? A No sir I have only heard it said.
- Q Prior to the treaty of eighteen hundred and thirty between the Choctaws in Mississippi and Alabama and the United States, the United States government had been desirous to move the Indians from the Country then occupied by them to a territory west of the Mississippi River. The encroachment of civilization and of the white citizens of the United States was so great that the government desired to open that land as a public domain. In eighteen hundred and seventeen and eighteen hundred and twenty treaties had been made with the Choctaws in Mississippi by which they ceded a part of their domain to the United States government. In eighteen hundred and thirty a commission on the part of the United States entered into negotiations with the chiefs of the Choctaw Tribe in Mississippi and Alabama for the purpose of effecting some agreement providing for the removal of the Indians from the State of Mississippi to what is now the Choctaw and Chickasaw Nations. It was impossible for the government commission to formulate any agreement satisfactory to the Choctaw Indians that did not contain some provision for those Choctaws who did not want to remove but who desired to retain the land then occupied in the State of Mississippi. The government soon found that it was impossible to get any agreement that did not contain a proviso and it was not until the fourteenth article was included in the treaty of eighteen hundred and thirty that the Choctaws would adopt this treaty. Article fourteen provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the State shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in

like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and one quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands for five years after the ratification of this treaty, the reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This treaty was adopted on the twenty-seventh of September eighteen hundred and thirty some seventy-one years ago and within the six months provided by this 14th article numerous heads of families, some one-hundred and forty, did signify to the then Indian Agent their intention to take advantage of this article. Between eighteen hundred and thirty-three and thirty eight a large majority of the Indians in Mississippi and Alabama removed to the present Indian Territory. After the six months in which these Choctaws remaining should signify their intention, information was brought to the government that there still remained in the state of Mississippi in the neighborhood of some seven-thousand Choctaw Indians who had never taken advantage of this fourteenth article and who claimed that they still had rights under this fourteenth article. In eighteen hundred and thirty three congress enacted legislation and appointed a Commission to treat with these Indians and for the settlement of these claims which had arisen under the fourteenth article of the treaty of eighteen hundred and thirty. Subsequent commission were also appointed and they examined into the claims of these Indians and reported same to the Secretary of War with certain recommendations. In eighteen hundred and forty-two congress enacted legislation for the satisfaction of these claims, such of them as were allowed. In the settlement of these claims the government issued scrip to the Indians which was exchangeable at the rate of fifty cents per acre for public land in the states of Mississippi, Alabama, Arkansas or Louisiana. Now the only legislation which in any way authorizes this Commission to hear and determine the rights of so called Mississippi Choctaws is found in the twenty-first section of the act of Congress of June 28, 1898, which provides

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior." Under this legislation in order for an applicant to be properly identified as a Mississippi Choctaw it will be necessary that conclusive proof will be shown of the fact that the applicants ancestors were Choctaw Indians, residents of the State of Mississippi at the time this treaty was adopted and that they complied or attempted to comply with the provisions of this fourteenth article of the treaty of eighteen hundred and thirty. Now what was the name of your Choctaw ancestor who was a resident of the State of Mississippi and a recognized Choctaw Indian at the time of the making of this treaty? A I can give you only hearsay evidence, it was my great great grandfather, William Harris.

Q How do you know that William Harris was your great great grandfather? A By hearsay.

#4

- Q Have you any witnesses here in person who could testify that any of your ancestors were recognized Choctaw Indians or that they ever received any benefits under this article of the treaty?
A No sir.
- Q You state you are twenty-seven years of age and a resident of the State of Missouri, and that you claim your Choctaw descent through your mother Sarah Katherine Carpenter. Is she living?
A Yes.
- Q How old is she? A Fifty-nine years old.
- Q Does she live in Missouri? A Yes sir.
- Q Did she always live there? A Yes sir.
- Q What was her father's and mother's name? A William Harris is her father's name?
- Q Is he living? A No sir.
- Q What is his wife's name? A Nancy Harris.
- Q These are your wife's parents? A My mother's parents.
- Q Now which one of your mother's parents does she derive her Choctaw blood from? A Her father.
- Q How long has her father William Harris been dead? A Four years last April.
- Q You know about how old a man he was when he died? A I don't know exactly, he was up in the seventies.--Well, he was close to eighty.
- Q Do you know the name of William Harris's father and mother? A It is James Harris, his father is.
- Q James Harris is the ancestor through whom you claim your Choctaw rights? AA Yes sir.
- Q Was he a resident of the State of Mississippi in eighteen hundred and thirty? A James Harris.
- Q Yes? If I have never seen him, I was told that James Harris was not.
- Q Did any of your ancestors ever claim or receive any land in Mississippi or Alabama under this article of the treaty? A Not as I know of.
- Q Have any of the other members of your family, your mother or any of your brother's or sisters made application to this Commission?
A No sir.
- Q Is there any additional statement that you desire to make in support of your application? A No sir.
- Q Have you any documentary evidence any written testimony, copies of records, deeds or patents or any proper papers? A There is my grandfather and grandmother's marriage certificate and here is my father's and mother's marriage certificate.

There is offered in evidence, marked exhibit "B", filed, and made a part of the record in this case, certified copy of the record of the marriage of Gabriel Carpenter and Sarah Katherine Harris of the 30th of November eighteen hundred and sixty-five.

Also certified copy of the record of the marriage of William Harris and Nancy Davis the grand parents of this applicant of the 21st of December eighteen hundred and thirty-four, same being marked exhibit "C", filed and made a part of the record in this application.

The applicant also offers in evidence, and there is marked exhibit "D", filed and made a part of the record in this application the statement of F. M. Martin duly sworn to before a Notary public on the 13th day of August 1901.

The applicant also offers in evidence and there is marked
exhibit "A", filed and made a part of the record in this appli-
cation the sworn statement of William M. Larimore of August 15th,
1901.

- Q Is this William M. Larimore? A Yes sir.
Q Who is this William M. Larimore? A He is the same man about which
the other people were speaking.
Q I don't know anything about the other people; who is he.
A He married Elizabeth Harris.
Q Is he any relation to you? A Yes sir.
Q Is there any other statement that you would like to make? A
Yes the evidence from those two Indians from Mississippi?
Q The evidence of what two Indians? A Allen the the other one
with him.
Q What about them? A The evidence that was shown up by those
two Indians, they proved up my case. I would have have it but
did not have time to write it up to day.
Q You want to submit it at some other time? A Yes sir.
Q Can you speak the Choctaw language? A No sir.
Q Can your mother? A No sir.
Q Did you ever know of any of your people being able to speak it?
A No sir.

The applicant in this case is apparently a white man and
unable to speak the Choctaw language.

G. Rosenwinkel being duly sworn on his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings had in the above entitled
case on August 21, 1901, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes in
said case on said date of August 1901.

Subscribed and sworn to before me this 21st day of August 1901.

R. H. Hinebaugh
Notary Public.

Muskogee, Indian Territory, December 2, 1902.

James F. Carpenter,
Burlington, Missouri.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret M. Rodgers et al., James M. Jones et al.,
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1902, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Alicka, Indian Territory, on August 21, 1902, you made personal application to this Commission for the identification of yourself and two minor children as Mississippi Choctaws, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on November

J. F. G.--B.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. G. -3292

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES



Muskogee, Indian Territory, March 15, 1902.

Wm. S. Carpenter,

Prosser, Kansas.

Dear Sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	731
James Madison Harris,	M.C.R.	732
Thomas Jefferson Harris, et al.,	M.C.R.	733
William T. Harris, et al.,	M.C.R.	913
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1006
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississippis Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Registered.

Map of the Indian Territory, May 24, 1902.

Map of the Indian Territory, May 24, 1902.

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Map of the Indian Territory, May 24, 1902.

M.C.R. 3292.

COPY

Muskogee, Indian Territory, November 16, 1906.

James F. Carpenter,
Bunceton, Missouri.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

Wams Bixby.
Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG 21 1901

Name James F. Carpenter

Age 27 Blood 1/16

Post Office, Bunceton, Mo.

Father: Gabriel Carpenter - ✓

Mother: Sarah A. Carpenter - ✓

Claims through Mother

WIFE: Gertie Carpenter.

(no claim for wife).

Children:

Gabriel W. Carpenter H.

Katherine L. Carpenter I,

Stenog.

G. H. Newkirk.

Choctaw MCR 3293

Preston H. Davis

See MCR 515

MCR 3293

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 21, 1901.

#3293

In the matter of the application of Preston H. Davis the minor child of Andrew J. Davis for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Said Andrew J. Davis being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Andrew J. Davis.
Q What is your age? A Thirty-five.
Q What is your post-office address? A Keokuk Falls, Oklahoma.
Q You live in Oklahoma? A Yes sir.
Q You are a white man? A Yes sir.
Q Never made any claim to Indian citizenship by blood? A No sir.
Q You want to make application for the identification of your child as a Mississippi Choctaw? A Yes sir.
Q What is your child's name? A Preston H. Davis.
Q How old is he? A Nine years old, Will be ten years in December.
Q You are his father? A Yes sir.
Q What is the child's mother's name? A Elvia.
Q Davis? A Yes sir.
Q Is she living? A No sir she is dead.
Q The child derives its Choctaw blood entirely through its mother?
Q A Yes sir.
Q How much Choctaw blood does Preston H. Davis claim? A One sixteenth.
Q How do you know anything about any of Elvia Davis's ancestors?
Q A No sir, I don't know anything about them.
Q Your purpose in appearing before the Commission at this time is to merely make application for your child and to identify him as a member of your wife's family? A Yes sir.
Q What is your wife's father's name? A Marion Alexander Williams.
Q Has he been before this commission as an applicant for identification as a Mississippi Choctaw? A He did last July, also, he went down here to Calvin, but they would not have anything to do with him there.

" It appears from the records of the Commission, at Muskogee Indian Territory, on July 30, 1900, Marion Alexander Williams, sixty years old made personal application before this Commission for identification as a Mississippi Choctaw and he appears on M.C. field number, card 515."

- Q Is Preston H. Davis the grandson of Marion Alexander Williams?
A Yes sir.

COPY

N O R 3293

Muskogee, Indian Territory, June 20, 1908.

Preston H. Davis,

Keshok Falls, Oklahoma.

Dear Sir:

You are hereby advised that on the 10th day of June 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Marion Alexander Williams, et al., submitting the following applications for identification as Mississippi Choctaws:

Marion Alexander Williams,	N O R 613
Robertson Sampson, et al.,	" 613
Willie E. Eason, et al.,	" 613
John Isaac Frank Williams, et al.,	" 614
Preston H. Davis,	" 3293
Willie E. Eason, et al.,	" 613

These applications were made under the provision of the act of Congress of June 23, 1906, (34 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

P E D #2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Marion Alexander Williams, Rebecca Templeton, Oscar Templeton, Martha Templeton, Hiram Templeton, Winnie Templeton, Immie Templeton, Johnnie Templeton, Billey Templeton, Matilda Sikes, Marion Sikes, Almer Sikes, Blanchie Sikes, John Isaac Freeman Williams, Forest Williams, Effie Williams, Preston H. Davis, Malinda Dalton, William Marion Dalton, Eva Dalton and Effie Dalton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. D. Needles.

Registered:

Commissioner in Charge.

M.C.R. 3293.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Preston M. Davis,

Keokuk Falls, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 16th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Marion A. Williams, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Yours truly,

(S) (REC)

Acting Chairman.

No.

3293

For Identification as a Mississippi Choctaw.

Date

AUG 21 1901

Name

Preston H. Davis

Age

9

Blood

1/16

Post Office

Keokuk Falls, Ok.

Father:

Andrew J. Davis - ✓

Mother:

Olivia Davis - dead

Claims through mother.

Children:

Andrew J. Davis, a non-citizen applies for his minor child.

See Mississippi Choctaw card # R. 515.

Stenographer

G. Rosenwinkel.

Choctaw MCR 3294
Lucinda Americus Stanford

See MCR 3386

MCR 3294

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 22, 1901.

#5224

In the matter of the application of Lucinda Americus Stanford for the identification of herself and her minor grand child as Mississippi Choctaws.

E. S. Johnson attorney representing applicant.

Said Lucinda Americus Stanford being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Lucinda Americus Stanford.
Q E-t-a-m-f-e-r-d? A Yes.
Q What is your age? A Sixty-one, nearly sixty-two. I will give it in as sixty-one.
Q What is your post-office address? A Bynum, Texas.
Q B-y-n-u-m? A Yes sir.
Q How long have you lived there? A Twelve years.
Q Where did you live before you lived there? A In Mississippi.
Q How long did you live in Mississippi? A About fourteen years.
Q Where did you live before you lived in Mississippi? A In Alabama, in Franklin County near the Mississippi-Alabama line.
Q How long did you live in Alabama? A Somewhere near thirty-five years? A
Q Were you born there? A Yes.
Q You lived there all of your life until you went to Mississippi? A Yes.
Q What is your father's name? A Wash, -W- a-s-h- Henry.
Q Is he living? A No, I claim through my mother.
Q What is your mother's name? A Catherine Gates.
Q Was your mother's name Catherine Gates before she was married or did she marry a second time? A No, her maiden name was Catherine Gates.
Q Is she living? A No.
Q You claim through your father or through your mother? A I claim through my mother.
Q How much Choctaw blood do you claim? A I never counted it up. You will have to count it up.
Q How much Choctaw blood did your mother claim to have? A About three-quarters. My grand father was three-quarters.
Q Then your mother would be about one-half of that would she not? A I reckon.
Q Was your mother's father a white man? A Yes he was three-quarters Indian.
Q Was your mother's mother a white woman? A She was one-half Indian.
Q Then your grandfa her you claim was three-quarters? A Yes.
Q And your grandmother was one-half? A Yes.
Q You don't know how much that would make you? A No, I can't say, so I will let you do that.

Q You are making the claim and you will have to state how much
 Choctaw blood you claim. You think that if your grandfather
 was three-quarter and your grandmother one-half your mother would
 be about five-eighths? A Yes.
 Q Then you would be about one-half of what your mother was? A
 Yes.
 Q Do you know what a half of five-eighths is? A Little over
 one-quarter.
 Q About five-sixteenths? If you don't know you can say that you
 don't? A I don't know.
 Q Has your mother ever been recognized in any way or enrolled
 as a member of the Choctaw Tribe of Indians by the Choctaw
 Tribal Authorities or the Authorities of the United States? A
 No.
 Q Are you married? A I am a widow now.
 Q Have you any children in your family for whom you wish to make
 application at this time under age and unmarried? A No, I
 have three but they are married.
 Q Have you any children in your family for whom you wish to make
 application at this time? A Yes I want to put in my grand child
 he is under age.
 Q Is that grand child living with you? A Yes.
 Q Is his father dead? A No.
 Q Is his mother dead? A Yes she is dead.
 Q Which one of his parents was your child? A His mother.
 Q The child gets his Choctaw blood through his mother? A Through
 his mother.
 Q Has a legal guardian ever been appointed for this child? A Yes
 by the Courts? A Yes.
 Q Who is that legal guardian? A His name is Brown, I am his
 legal guardian. I think you asked me who appointed him. You
 must excuse me I did not know what I was talking about.
 Q Well now, you are appointed the legal guardian of this child?
 A Yes.
 Q And he has always lived with you? A Yes.
 Q What is that child's name and age? A William Evetts.
 Q What is the name? A William R. Evetts is the way we sign it.
 E-v-e-t-t-s is the way we spell it.
 Q How old did you say? A Fourteen.
 Q What is the name of the child's father? A Bell Evetts.
 Q B-e-l-l? A Yes.
 Q What is the name of the child's mother? A Alice Evetts. Do you
 want her maiden name.
 Q No.
 Q She is dead you say? A Yes.
 Q The child's claims his Choctaw blood through his mother? A
 Through his mother.
 Q And his mother claims her Choctaw blood through you? A Through
 me.
 Q Is your name or the name of your grand child on any of the
 Tribal rolls of the Choctaw Nation in the Indian Territory?
 A I don't know.
 Q Well if you thought it was you would not be here to day making
 this application for identification as Mississippi Choctaws?
 A No.

By attorney.

Q You know it is not on the roll? A Yes I know it is not.

By the Commission.

- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your grand child enrolled as members of that tribe? A Before this, No I never have.
- Q Well this is not the Choctaw Tribal Authorities this is the Authorities of the United States. Did you ever apply to the Choctaw Tribal Authorities? A No.
- Q Did you or did any one for you or your grand child in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.
- Q Have you or your grand child ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your grandchild been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself or your grand child admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want my rights.
- Q What do you think your rights are? A I want rights under the Indian Laws.
- Q You claim as a Mississippi Choctaw? A Yes Mississippi Choctaw.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Phillip Gates, he was my grandfather.
- Q Your mother's father? A Yes my mother's father.
- Q You don't claim anything then through your mother's mother? A Yes she had Indian blood.
- Q You say you are sixty-one years old? A Yes.
- Q Were you the oldest one of your mother's children? A No.
- Q How much older was the oldest child than you? A I could not say, she has been dead for years.
- Q About how much older was this oldest child than you? A A ten or twelve years older.
- Q Than you? A Yes.
- Q Then your mother must have been a married woman and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.
- Q Where was she living then? A In Alabama near the Mississippi line.
- Q Was she living in the Choctaw Country? A Yes.

By Attorney.

- Q State what place? A Chickasaw County. She lived near by--- the town she lived in was Russellville. It is called Chickasaw County Now.

By the Commission.

- Q Have you any evidence to show that she was living there at that time? A Yes.

#4

- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Yes. I claim it all.
- Q Under which one of the treaties do you claim? A I claim under all of the treaties.
- Q Do you know anything about the treaties? A Only what I heard.
- Q Have you heard anything about them? A Yes I heard right smart.
- Q Do you know which of the treaties you heard about? A No.
- Q Do you know what they are called? A Some call it the Choctaws and some one thing and then another.
- Q You don't know much about the treaties do you? A I was not large enough to recollect.
- Q The law under which the commission is acting at this time in hearing these applications is found in Section Twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis Act, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This law gives the Commission authority to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaws who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and for the purpose of moving them all to the Country west of the Mississippi River but some of the Indians did not want to leave their homes and the other Indians would not sign any Treaty until something was done for those Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to remain in Mississippi. After that article was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for a period of five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q Under this article if those Choctaw Indians who did not want to come west would go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi they would get land for themselves and their children from the government and if they lived on that land for five years they would get a title to it and in doing this they would not lose the privilege of Choctaw citizens but if they ever removed would not get any portion of the Choctaw yearly payments of money. Do you make any claim under this article of this treaty? A Yes I make a claim.
- Q Within six months after this treaty was ratified a great many of the Indians went to the Indian Agent there and told him that they wanted to stay in Mississippi and take land there but when a locating agent was sent down by the government it was found that there were a great many who claimed that they had gone to the agent whose names were not on the rolls which the Indian Agent had made and so under acts of Congress of March 3, 1837 and August 23, 1842, Commissioners were appointed and sent down into Mississippi to look into this matter and decide just who were really entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases, some were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if the land had been sold they were given scrip with which they could locate land from any of the lands in the states of Mississippi, Alabama, Arkansas or Louisiana. Now did your mother ever get any scrip, or did she ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof that your mother was living in the Choctaw Nation in eighteen hundred and thirty; that she was a recognized Choctaw Indian; that she went to the Indian Agent there within six months after that treaty was ratified and told him that she wanted to stay and take land there. Have you any evidence on these points? A No.
- Q Do you think you will be able to get any such evidence? I don't know.
- Q Did you ever hear whether your mother went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No.
- Q You never heard anything about that? A No.
- Q You never heard whether she owned any land in Mississippi, Alabama, Arkansas or Louisiana? A No.
- Q Do you remember when they were living in Alabama? A Yes I remember.
- Q Did they own the land they lived on? A Yes.
- Q Where did they get it? A I don't know.
- Qc It might be a very important matter for you to find out how your mother owned that land and how she got it? A Why it came through my father.
- Q You know how your father got it? A He bought it with his own, he did not claim any Indian.
- Q Are there any other statements that you would like to make at this time in support of your application? A I have three children I want to put in.
- A They are ever age and will have to apply for themselves.

By Attorney A. A. Johnson.

- Q Did you ever see your grand father that you claimed to be a descendant of Phillip Gates your grand father and Catherine Gates your grandmother? A Yes.
- Q How old were you when your grand father Phillip Gates died? A I was about 120 years old.
- Q Where was your grandfather living at the time he died? A He lived in Alabama near Russellville.
- Q How much Indian blood did he claim to have? A One-half.
- Q What was your grandmother Gates's maiden name? A Hampton
- Q Where did she die? A She died at Russellville.
- Q How much Indian blood did your grandmother Hampton Gates claim? A One-half.
- Q Did you ever see your grandfather? A No.
- Q What was his name? A Charles Gates.
- Q Did you ever see your great grandmother? A Charles Gates wife?
- Q Yes? A No.
- Q Did any one ever tell you as to the degree of Indian blood of Charles Gates? A Yes I heard my grandfather Phillip Gates say that he was one-half blood?
- Q What? A Choctaw.
- Q Did you ever hear him say how much blood your great grand mother was? A Full blood Choctaw squaw.
- Q That was your great grand father Charles's wife? A Yes.
- Q You never saw either one of them? A No.

By the Commission.

- Q I asked you a little while ago how much Choctaw blood Phillip Gates claimed to have and you stated three-quarters, when your attorney asked you you stated one-half now which was right? A I want to put it so that you would not say that I am exhorting on anything.
- Q Well now, which was right, was your grand father Phillip Gates a one-half or three-quarter blood Choctaw? A Three-quarter is right.
- Q Then you were mistaken a few minutes ago in answer to your attorney when you said that he was a one-half blood? A Yes I was wrong.

By Attorney.

- Q Now your grandmother you say was Catherine Hampton before she was married? A Yes.
- Q How much Indian blood did you say she had? One-half.
- Q and your mother's name before she married was what? A Catherine Gates.
- Q She was a daughter of Phillip Gates? A Yes.
- Q And her mother's name was Catherine too? A Yes Catherine Hampton Gates.
- Q Is she living or dead? A Dead.
- Q Did you have any brother's? A I had three brothers.
- Q You stated I believe that Phillip Gates was dead and that you knew him? A Yes.
- Q Well, did he ever talk to you about these things? A He told me about his Indian blood and would talk the Choctaw language.
- Q Did he ever claim to have a right? A He claimed to have a right in the territory--in the Choctaw Territory he could speak Choctaw.

Q Now he spoke of you all the time or what did he speak? A He was speaking with the O'Leary family.
 Q Did you see him at your house? A I seen them there
 Q What was he doing there? A He was talking to my mother.
 Q What was he doing at his house or your house? A At my father's
 Q How old was he when he died? A About seventy-nine years
 Q What was his occupation? A Black, dark hair and dark eyes, Red
 complexioned, high cheek bones.
 Q When did your mother die, or is she dead? A My mother is dead.
 She has been dead about twelve years.

By the Commission.

Q Have you any papers that you want to file now? A Yes sir.

By Attorney Johnson.

"Here are some affidavits and we want permission to file other
 affidavits."

By the Commission.

Application of Lucinda Americus Stanford offered in evidence,
 marked exhibit "A" filed and made a part of the record in this
 case.

Affidavit of John Hampton Britten, offered in evidence, filed
 and made a part of the record in this application, being marked
 exhibit "B".

Q Who is John Hampton Britten? A He is a nephew of my mother's.
 Q Your cousin? A Yes my cousin.

Affidavit of Matilda Britten offered in evidence, marked
 exhibit "C", filed and made a part of the record in this appli-
 cation.

Q Who is Matilda Britten? A She is a cousin.

If you wish to offer any further evidence in support of your
 application, either oral testimony of witnesses, their depo-
 sitions or affidavits or any documentary evidence, you will be
 permitted to do so and the same will be made a part of the record
 in your case.

By Attorney Johnson.

"He wishes to do this later."

By the Commission.

The applicant in this case has brown hair, blue eyes, and
 a fair complexion. Her features and general appearance are
 those of a white woman.

EX-101
The said [redacted] understands the English language and knows or so understands the provisions of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from her testimony that her grand parents lived in the old Cherokee Nation in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 22, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 31 day of August 1901.

R. W. Linebaugh
Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3294

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1902.

Lucinda Americus Stanford,
Hynum, Texas.

Dear Madam:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Audie McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rilly O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Verver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED);

T. B. Needles.
Commissioner in Charge.

COPY.

M.C.R. 3294.

Muskogee, Indian Territory, December 22, 1902.

Lucinda Americus Stanford,
Bynum, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, July 10, 1905.

Catherine Akins,

Durant, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th ultimo, requesting to be advised if any action has been taken on the applications of Lucinda A. Stanford, et al. and Catherine Akins, et al. for identification as Mississippi Choctaws.

In reply you are informed that on December 12, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes of October 15, 1902, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of William H. Gates, et al., of which the applications of Lucinda Americus Stanford, et al. and Catherine Akins, et al. are a part, and of which departmental action the applicants were duly notified on December 22, 1902.

This case is now considered closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

REPLY IN REPLY TO THE FOLLOWING
MUN-3294

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 19, 1906.

Lucinda Americus Stanford,
Bynum, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and grandchild is a part.

Respectfully,

Commissioner.



DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

NOV - 8 1906

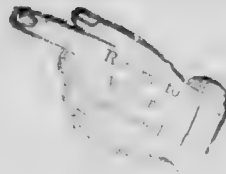
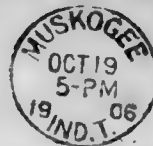
A handwritten signature, possibly "J. H. ...", written in dark ink.

BY Commissioner.
The seal is circular with "BY" at the top and "Commissioner." at the bottom. In the center, there is a date stamp that reads "NOV 8 1906".

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Lucinda Americus Stanford,

Bynum, Texas.

3294

No. 3294

For Identification as a Mississippi Choctaw.

Date AUG 22 1901

Name Lucinda Americus Stanford

Age 61

Blood

3/16

Post Office

Cynum, Texas

Father:

Wash Henley (dead)

Mother:

Catherine Henley (dead)

Claims through mother

Grand

Children:

Willie Evetts

William R. Evetts 14

Father: Bill Evetts

Mother: Alice Evetts (dead)

Child claims through mother

Claims for self and
grand child

Stenographer

J. Rosenwinkel

Choctaw MCR 3295

William U. Bentley

See MCR 3386

MCR 3295

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 22, 1901.

3295

In the matter of the application of William V. Bentley for identification of himself and his two minor children as Mississippi Choctaws.

B. S. Johnson attorney representing applicant.

William V. Bentley being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A William V. Bentley.
Q E-n-t-l-e-y? A Yes.
Q What is your age? A Forty-five.
Q What is your post-office address? A Hillsboro, Texas.
Q How long have you lived in Texas? A Since '74.
Q Where did you live before you came to Texas? A I lived in Alabama.
Q How long did you live in Alabama? A When I came here I was about 18 or 19 years old.
Q You were born in Alabama? A Yes.
Q What part of Alabama? A North Alabama, Franklin County.
Q What is your father's name? A John G. Bentley.
Q Is he living? A He is dead.
Q What is your mother's name? A Catherine Gates.
Q Catherine Bentley? A Yes, Catherine Bentley.
Q Is she living? A Dead.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your wife's name? A Sarah Bentley.
Q She is living? A Yes.
Q You make application for your wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to make application at this time? A Yes.
Q How many? A Two.
Q Give the names and ages of these children? A Gladys B.
Q G-l-a-d-y-s? A Yes.
Q How old? A Sixteen.
Q Next? A Willie he is twelve years old.
Q These are your children? A Yes.
Q And what is the name of their mother? A Of their mother? Yes? A Sarah Bentley.
Q Is your name or are the names of your children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

#2

Q Have you ever applied to the Choctaw Tribal Authorities to have your self or your children enrolled as members of that Tribe?
A Not before this time.

Q Well this is the Authorities of the United States? A Yes I understand.

Q Did you or did any for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.

Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to have your self or your children admitted or enrolled as citizens of the Choctaw Nation? A Have not.

Q This is the first application of any kind you have ever made?
A Yes.

Q What kind of an application do you want to make now? A I want to claim as a Choctaw.

Q Do you claim as a Mississippi Choctaw? A Yes.

Q You claim under any of the treaties between the United States and the Choctaw Nation? A Yes I claim under the treaty with reference to my case.

Q Do you know what any of the treaties are? A No I am not posted on the treaties.

Q What was your mother's father's name? A Valentine Gates.

Q And what was your mother's mother's name? A Lucinda Gates.

Q Which one of your mother's parents claimed to be Choctaw? A my grandfather.

Q Have you any evidence of the marriage of your grandfather and grandmother? A No.

Q Can you secure such evidence? A Yes I might be able to procure it but have nothing now.

Q You should supply the Commission with evidence of their marriage in support of your application. A Yes.

Q How old would your mother be if she were living now? A She would be about sixty.

Q Was your mother the oldest one of your grandfather's children?
A No she was not.

Q How much older than your mother was your grandfather's eldest child? A I think about 10 or 12 years old as well as I can remember.

Q Then your grandfather must have been a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A Well I think he was but I know only from what my mother and relatives have told me. I am not old enough to know personally.

Q The law under which the Commission is acting at this time in hearing these applications is found section 21 of the act of Congress of June 28, 1898 commonly called the Curtis Act, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seven eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Q This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of moving them to a country west of the Mississippi River and give them land there in exchange for their land in Mississippi and Alabama but some of the Indians did not want to leave their homes and the other Indians would not sign any treaty until some provision was made for those Choctaws who did not want to go west, so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to stay in Mississippi and after this provision was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family of a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a great many Indians went to the Indian Agent there and told him that they wanted to stay in Mississippi but when an agent was sent down to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay and take land whose names were not on the roll prepared by the Indian Agent. This caused a great deal of complaint and under acts of Congress of March 3, 1837 and August 23, 1842 commissions were appointed and sent down into Mississippi to investigate the matter and find out who of these Indians were really entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases. Some were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if the land had been sold they were given scrip with which they could locate land on any of the public lands in the states of Mississippi, Arkansas, Louisiana or Alabama. Did any of your ancestors own land in any one of these states? A Not that I know of.

Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof that your grand father Valentine Gates was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and to show that he within six months after the treaty was ratified went to the Indian Agent and told him that he wanted to stay and take land there and if you know of any of your ancestors owning any land

- Q in Mississippi, Arkansas, Louisiana or Alabama that would be a very material point also on which you should secure evidence if possible? A Well I was told that my grandfather owned a little home there, I don't know how he got but suppose he bought it.
- Q You understand that if you know in which County that land was situated you can have the records of that County examined and find out how he acquired that land and what disposition was made of it.
- Q My father was appointed administrator after my grandmother died and he sold it.
- Q And you don't know how he acquired that land? A No I do not know, I am sure that he did not get it from the Indians.
- Q Do you know whether he got it from the government? A I am satisfied that he bought it but would not like to swear to it.
- Q Have you any papers that you want to file now? A Yes.

" Written application of William V. Bentley offered in evidence Marked exhibit "A" filed and made a part of the record in this case."

Affidavit of Lucinda Americus Stanford offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

- Q What relation is Lucinda Americus Stanford to you? A She is a cousin of mine, my mother's double cousin.
- Q Would you like to have her testimony in your case? A Well if it would be good evidence I would.
- Q You understand that the testimony of witnesses in persons is better than affidavits? A Yes I understand that

Witness excused.

Lucinda Americus Stanford being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Lucinda Americus Stanford.
- Q What is your age? A Sixty-one.
- Q What is your post-office address? A Bynum, Texas.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Are you acquainted with William V. Bentley who has just applied here? A Yes.
- Q What relation is he to you if any? A Cousin.
- Q What was his father's name? A We always called him Jack Bentley.
- Q What was his mother's name? A Catherine Bentley.
- Q Which one of his parents claimed to be Choctaw? A His mother.
- Q Were you related to his mother or his father? A To his mother.
- Q What relation were you to his mother? A Cousin.
- Q Did you know the grandfather and grandmother of this applicant? Yes.
- Q What was his grandfather's name? A Valentine Gates.
- Q And what was his grandmother's name? Lucinda Gates.
- Q Which one of his grand parents claimed to be Choctaw? A His grandfather on his mother's side.
- Q How how were you related to this applicant's grandfather Valentine Gates? A He was my mother's brother. My mother and him was brothers.
- Q Did you know his grand parents personally? A Yes.
- Q When you knew them, where were they living? A In Alabama, near Russellville.
- Q You knew where they died? A In Alabama.

- Q Do you know whether the grandfather of this applicant owned any land in Mississippi, Arkansas, Louisiana or Alabama? A He owned land in Alabama.
- Q How did he own that land? A Through his wife.
- Q His wife was Indian? A No.
- Q He bought that land did he? A Yes through his wife.
- Q What was the name of that land? A I don't know. He bought it with his money. He did not get it from the Indians.
- Q You think this is probably, you are not sure to remember that? A Yes I remember that.

By Attorney Johnson.

- Q You don't know whether he ever got any land from the Government or not? A No, I do not know.

witness excused.

Applicant re-called.

- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case? A I think we will offer some affidavits and possibly some oral testimony later on.

This applicant has dark hair, gray eyes and dark complexion. His features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although it appears from his testimony that his grand parents lived and died in the old Choctaw Nation.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 20th day of September 1901.

G. Rosenwinkel

David Luby
Notary Public.

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3295

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1902.

William V. Bentley,

Hillsboro, Texas.

Dear Sir:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stauford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGN)

Commissioner in Charge.

M.C.R. 5203

COPY

Muskogee, Indian Territory, December 22, 1902.

William V. Bentley,
Hillabere, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaw of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Tame Bixby
Acting Chairman.

WIA-2496

Muskogee, Indian Territory, October 18, 1908.

William F. Bentley,

Dear Sir:

You are hereby notified that on September 24, 1908, the Secretary of the Interior denied a motion, filed May 26, 1908, by J. O. Paul, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No.

3295

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name

William V. Bentley

Age

45

Blood

1/6

Post Office,

Hillsboro, Texas

Father:

John V. Bentley (dead)

Mother:

Catherine Bentley (dead)

Claims through

mother

wife:

Sarah Bentley

(No claim for her)

Children:

Gladys Bentley

16

Willie Bentley

12

Claims for self and 2
children

Stenographer

Choctaw MCR 3296

Margareete E. Phipps

MCR 3296

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 22, 1901.

1874
In the matter of the application of Margarete E. Phipps for
identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Margarete E. Phipps being first duly sworn testified as
follows:

- Examination by the Commission -

- Q What is your name? A Margarete E. Phipps.
Q P-h-i-p-p-s? A Yes.
Q How do you spell Margarete? A M-a-r-g-a-r-e-t-e.
Q What is your age? A Seventy-two.
Q What is your post-office address? A Haynesville, Louisiana.
Q How long have you lived there? A (No answer)
Q How long have you lived there? A In Louisiana?
Q Yes? A I have lived there fifty-five years.
Q Where did you live before you lived in Louisiana? A In the
Choctaw District in Alabama.
Q What part of Alabama was that? Perry County.
Q What part of the State? A I can't tell you that.
Q How long did you live in Alabama? A Seventeen years.
Q Where did you live before you lived there? A I moved from there
to Louisiana.
Q Where did you live before you lived in Alabama? A I was
born and raised there.
Q What is your father's name? A James Scarborough.
Q S-c-a-r-b-o-r-o-u-g-h? A Yes.
Q Is he living? A No.
Q What is your mother's name? A Betsey Scarborough.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood?
A Through my mother.
Q How much Choctaw blood do you claim? A One-eight or more.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw Tribe of Indians by the Choctaw Tribal
Authorities or the Authorities of the United States? A Not that
I know of, I don't know very much about it. My mother died when
I was small.
Q Are you married? A I have been.
Q You are a widow now? A Yes.
Q Have you any children under twenty-one years of age and unmar-
ried for whom you wish to make application at this time? A No.
Q You are making this application for yourself alone? A Yes.
Q Is your name on any of the Tribal Rolls of the Choctaw Nation
in the Indian Territory? A No.
Q Have you ever applied to the Choctaw Tribal Authorities in the
Indian Territory to be enrolled as a member of that tribe? A
(No answer)

- Q Can't you answer the question? A No.
- Q Did you ever make an application to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A No.
- Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10th, 1896? A 1896---1897.
- Q Did you apply to the Dawes Commission in 1896 to be admitted to citizenship in the Choctaw Nation? A No.
- Q Did anybody apply for you? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A I don't know how it is. I don't know anything about that part of it.
- Q You don't know whether you were ever admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No, I do not.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Made application in '97.
- Q To whom? A (No answer)
- Q Where did you make application in '97. (No answer)
- Q Can't you answer the question? A No I can't answer that.
- Q You made an application in '97 you say and yet you do not know where you made it and to whom you made it? A (No answer)
- Q Where did you go to make that application in '97? A I never have been myself, this is the first time.
- Q Well, why did you say that you made application in '97? A (No answer)
- Q You stated that made application in 1897, now where and how did you make that application? A I can't tell, I can't understand. You will have to let my son answer that question I can't call it off.
- Q Who made that application? (No answer)
- Q Did you make it yourself? A (No answer)
- Q Now Mrs. Phipps if you have been bothered and made any statements in here that you do not mean to say and they are not correct you can correct them and say what you wish but if you do not care to answer the questions it is not worth while for you to make this application. Now did you make an application in eighteen hundred and ninety-seven? A I made an application or something in 1897 but I don't know where it was.
- Q Well did you make it? A Well, I don't know whether it was an application or what it was.
- Q Well, where did you go to make that application and who did you get to attend to it for you? A Mr. Poole.
- Q You were living in Louisiana then? A Yes.
- Q Did you authorize him to send your application to the Commission in eighteen ninety-seven, was the application in your name? A Yes.
- Q You made application for citizenship in the Choctaw Nation then? A Yes.
- Q Did you make that application to the Dawes Commission? A No.
- Q To whom was it made? A I could not tell you.
- Q Don't you know to whom it was made? (No answer)
- Q What kind of an application do you want to make now? (No answer)
- Q What do you claim? A (No answer)
- Q What do you claim you are? A I claim I am a Mississippi Choctaw
- Q Do you want to make application then for identification as a Mississippi Choctaw? A Yes.

- 348
- Q Was your mother Betsey Scarborough a Choctaw Indian living in the Choctaw Nation in eighteen hundred and thirty? A Yes.
 - Q How were born about the year eighteen hundred and twenty-nine? A Yes.
 - Q How you claim that your Indian ancestor is your mother? A Yes.
 - Q Will you claim that your mother is your Indian and story? A Yes.
 - Q Will did your mother go to the Indian Agent there in Mississippi within six months after the treaty of eighteen hundred and thirty was ratified and tell him that she wanted to stay in Mississippi? A Yes it came through my grand mother.
 - Q Your mother was a married woman and the head of a family in eighteen hundred and thirty? A Yes.
 - Q Will did she go to the Indian Agent? A I do not know.
 - Q The law under which this Commission is acting at this time in hearing these applications is found in Section twenty one of the act of Congress of June 25, 1896, commonly called the Curtis Act which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven, eighteen hundred and thirty, and to take and administer oaths, examine witnesses and perform all other acts necessary there to and make report to the Secretary of the Interior."

This law gives the Commission power to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the Choctaw Indians were living in Mississippi, the main part of the tribe and a few of them in Alabama. The State of Mississippi was being rapidly filled up with white settlers and the United States government thought it would be best to remove the Indians from Mississippi and Alabama to a Country west of the Mississippi River where they could have their own tribal government and not be disturbed in it, but some of the Indians did not want to leave their homes there in Mississippi and Alabama and the others would not sign any treaty until something was done for these Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Choctaws who did not want to leave Mississippi and Alabama. Article fourteen of the treaty of eighteen hundred and thirty provides that

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they

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ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now if any of the Choctaw Indians wanted to stay there in Mississippi they could go to the Indian Agent within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi and they would get land for themselves and their children from the government and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of Choctaw citizenship but if they ever removed would not be entitled to any portion of the Choctaw yearly payments of money. You say that you do not know whether your grandmother went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No.
- Q Within six months after the treaty was ratified a great many Indians went to the Indian Agent there and told him that they wanted to stay and take land but when a man was sent down by the government to locate the land for the Indians he found that there were a large number of Indians who claimed that they had gone to the Agent whose names were not found on the list made by the Indian Agent, so under acts of Congress of March 3, 1837 and August 23, 1842, men were appointed as Commissioners to go down into Mississippi and look into this matter and find out which of the Indians were really entitled to land under the fourteenth article of the Treaty of eighteen hundred and thirty. Now, did your mother go to any of these Commissioners there? A I do not know.
- Q When the first Commission was appointed you would have been about eight years old, when the last Commission was appointed you would have been about fifteen or sixteen years old, do you remember anything about these Commissioners? A No I do not remember nothing about it.
- Q These Commissioners took up and passed on several hundred cases, some were allowed and some were refused. In those cases where the claims were allowed by the Commission and approved by the Secretary of War if the land which the Indians claimed had not already been sold it was given to them, if the land had been sold they were given scrip with which they could locate land on any of the public lands in the states of Mississippi, Alabama, Arkansas or Louisiana. Did your mother own any land in any one of these states? A No.
- Q Did she ever get any scrip from the government? A Not that I know of.
- Q You never heard anything about it? No.
- Q Is there anybody living who would know about that and would be able to testify? A Not that I know of.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to show proof that your mother was a Choctaw Indian who lived in the Choctaw Nation in eighteen hundred and thirty and that she within six months after the treaty was ratified signified her intention to the Agent of remaining there and taking land, now, do you think you will be able to get evidence on these points? A I do not know unless my brother can get evidence.
- Q Is your brother older than you? A Yes.
- Q How much older? A He is five or six years older I don't know which.
- Q Well do you understand that you are making application here for valuable property rights and in cases where valuable property rights are involved, even the sworn statement of an interested party does not carry very much weight unless supported by outside evidence. Do you understand that?

- A I do not know unless my brother can give it.
- Q Now, what I asked you was if you understood that you were an applicant for valuable property rights and in that case even the sworn statement of an interested party would not carry very much weight unless supported by outside evidence. Do you understand that? A Yes.
- Q Have you any evidence on these points? A I do not know that I have.
- Q Have you any papers that you want to file now? A Yes.

Written application of Margarette E. Phipps offered in evidence marked exhibit "A" filed, and made a part of the record in this application.

Certified copies of two affidavits of John Scarborough, and two of M. C. Whittle, affidavit of J. E. Nelson, Wash Holly, P. J. Holly, Daniel Underwood, Alfred Harkins, two Affidavits of Chas. Smith, and two affidavits of Elijah Colbert, offered in evidence, marked exhibit "B" filed, and made a part of the record in this case.

- Q Who is John Scarborough? A My Brother.
- Q Who is Little Grannis Taylor? A She is my grandmother.
- Q Was she a Choctaw Indian? A Yes.
- Q How much Choctaw blood did she claim to have? A I think about one-half or more.
- Q Well how does it happen that you go back to claim through your grandmother and when your mother was a married woman and the head of a family in eighteen hundred and thirty? A I do not know why I do.
- Q Did you ever know your grandmother? A No she died before I know anything about it.
- Q Who is M. C. Whittle? A I don't know, I am not acquainted with him.
- Q You don't know him? A No I am not acquainted with him.
- Q Well where were the original applications of these affidavits filed? A I do not know.
- Q I meant in whose cases were the originals of these affidavits filed? A In brother John's case, he is here in town.
- Q Who is J. E. Nelson? A I don't know.
- Q Do you know him? A No.
- Q Do you know Daniel Underwood? A No.
- Q You know Alfred Harkins? A No.
- Q You know Chas Smith? A No, I never saw him.
- Q You know Elijah Colbert? A (No answer)
- Q Would you like to have your brother testify in your case? A Yes she is here.
- Q Do you want your brother called as a witness in your case? A Yes.

Applicant excused.

John Scarborough called as a witness, being duly sworn, testified as follows:

- Q What is your name? A John Scarborough.
- Q What is your age? A I am seventy-six.
- Q What is your post-office address? A Durant, Indian Territory.
- Q How long have you lived there? A Something over eight years.
- Q Where did you live before you lived there? A In Trinity County, Texas.

- Q How long did you live in Texas? A I lived there from the Fall of '55 to the Spring of '93.
- Q Almost 40 years? A Yes.
- Q And where did you live before you lived there? A I lived in the Choctaw District of Alabama.
- Q How long did you live in Alabama? A I lived in Alabama from the time I was born until '55.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Are you acquainted with the applicant Margarete E. Phipps? A Yes.
- Q What relation is she to you if any? A She is my sister.
- Q Have you the same father and mother? A Yes.
- Q And claim your Choctaw blood through your mother? A Yes.
- Q Do you remember when these Commissioners who were appointed under Acts of Congress of March 3, 1837 and August 23, 1842 were in Mississippi? A No I don't remember anything about it.
- Q Which one of your ancestors are you claiming through, you and your sister? A Claim through my mother.
- Q Who is this Little Grannie Taylor referred to in your affidavit? A She was commonly known as Little Grannie Taylor.
- Q What relation was she to you? A My grandmother, my mother's Mother.
- Q How does it happen that you go back and claim through your grandmother when your mother was a married woman and the head of a family in eighteen hundred and thirty? A I have been told, that you could go back as far as you wished to and my grandmother had some benefits in Mississippi while my mother did not.
- Q What benefits do you think your grandmother had in Mississippi? I think she owned land on the Tombigby River from the proof I can produce.
- Q Was that in Mississippi? A I don't know whether it was in Mississippi or Alabama, you know this River is near the line and crosses the line a time or two.
- Q You know where your grandmother got that land? A No.
- Q Do you know whether she got it from the government or not? A No.
- Q What makes you think then that she got benefits in the Choctaw Nation? A Because I understand that she got land and because I don't know of any other way she could have it.
- Q You don't know what County and which state that land was in? A A No.
- Q Did you ever attempt to have the records examined? A No I have not, I expect my lawyer has.
- Q Have you any copies of deeds or records in your family to show that she owned this land? A No I have not.
- Q Do you remember your grandmother? A Yes.
- Q About how old were you when she died? A I don't know, I was quite a small boy when she died and I don't know when she died.
- Q You don't know about what age you were when she died? A No I don't know when she died.
- Q About how old were you when you saw her the last time? A I was ---I was little and merely a boy.
- Q A boy about 3 or 4 years old? A I presume.
- Q And you don't know how long after that it was when she died? A No
- Q You stated that Margarete E. Phipps is your sister? A Yes.
- Q And gets her Choctaw blood through the same ancestor that you do? A Yes.

Witness excused.

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applicant recalled.

- Q If you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your application.

This applicant has grayish black hair, dark eyes and dark complexion. Her features and general appearance are those of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although she states that her mother lived in the Choctaw Nation in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 22, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 4 day of September 1901

R. W. Hinebaugh

Notary Public.

RECORDED

Muskogee, Indian Territory, September 8, 1901.

Margarette N. Fhippe,

Baynesville, Louisiana.

Dear Madam:

In the matter of the applications for identification as
 Mississippi Choctaws of

John B. Scarborough et al.
 James Carpenter
 William L. Milles
 Margaret Sanders
 Margaret K. Peyeto,

William D. Scarborough et al.
 Everett M. Taylor et al.
 Maggie Bradley
 Josie Carpenter et al.

you are informed that under date of July 31, 1901, the Commissioner
 of Indian Affairs remanded to this Commission the records there-
 fore forwarded the Department for approval, with instructions that
 an opportunity be granted for the introduction of additional testi-
 mony of applicants or witnesses in person in support of such ap-
 plications.

Our records show that on August 22, 1901, you appeared be-
 fore this Commission at Atoka, Indian Territory, and applied for
 identification as a Mississippi Choctaw, claiming descent from the
 same common ancestor.

In accordance with the instructions above referred to, you
 are hereby notified that at the office of the Commission to the Five

M.D. 3296

Civilized tribes at ~~Indian Territory~~ ~~Indian Territory~~, on Friday, November 1, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.D. 3296

RECEIVED
NOV 1 1901
OFFICE

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

COPY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3296

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. May 31, 1902.

Margareete E. Phipps,

Bayneville, Louisiana.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

John Scarborough, et al,	M. C. R.	252
Cora Ballard, et al,	M. C. R.	97
Ada Gailer, et al,	M. C. R.	98
Johnnie La Fayette Trotter	M. C. R.	99
William E. Pike, et al,	M. C. R.	100
Margaret E. Peveto,	M. C. R.	101
William J. Peveto, et al,	M. C. R.	102
Pinckney L. Scarborough, et al,	M. C. R.	103
Josie Carpenter, et al,	M. C. R.	165
James Carpenter,	M. C. R.	166
Margaret Sanders, et al,	M. C. R.	167
Carrie Pike,	M. C. R.	231
James E. Pike, et al,	M. C. R.	232
Mattie McDowell, et al,	M. C. R.	251
William D. Scarborough, et al,	M. C. R.	253
Sallie Mullins, et al,	M. C. R.	254
Susan Freeman, et al,	M. C. R.	255
Cornelius B. Scarborough, et al,	M. C. R.	256
John B. Mullins,	M. C. R.	257
Maggie Bradley,	M. C. R.	258
John S. Scarborough, et al,	M. C. R.	259
William A. Freeman, et al,	M. C. R.	260
William L. Mullins,	M. C. R.	261
Guy M. Granbury,	M. C. R.	286
Robert N. Scarborough, et al,	M. C. R.	442
Richard Elery Scarborough, et al,	M. C. R.	691
James J. Berry, et al,	M. C. R.	692
Margareete E. Phipps,	M. C. R.	3296
Lucy E. Langford, et al,	M. C. R.	3297
John L. Oakes, et al,	M. C. R.	3315
Guy Oakes, et al,	M. C. R.	3316
Lucy Bond, et al,	M. C. R.	3317
Amanda Eubanks, et al,	M. C. R.	4031

C. B. Granbury,
Alf Scarborough,
Sam Scarborough,
Wesley Scarborough,

M. C. R. 4078
M. C. R. 4769
M. C. R. 4770
M. C. R. 4771

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ermie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Dill Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cuebell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margaret E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James H. Scarborough

Registered.

Acting Chairman.

Muskogee, Indian Territory, November 22, 1902.

Margarete M. Phipps,
Raynesville, Louisiana.

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of the several persons included in the consolidated case of John Scarborough, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

Respectfully,

Acting Chairman.

No. 3296

For Identification as a Mississippi Choctaw.

Date AUG 22 1901

Name *Margaret E. Phipps*

Age 72 Blood 1/8

Post Office, *Haynesville La.*

Father: *James Scarborough (dead)*

Mother: *Betsy " (dead)*

Claims through *mother*

~~Children:~~

Claims for self alone.

Stenographer

G. Rosenwinkel.

Margarete E. Phipps

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Choctaw MCR 3297

Lucy E. Langford

MCR 3297

Department of the Interior.
Commission to the Five Civilized Tribes.
Oklahoma, L. T. August 22, 1901.

1207

In the matter of the application of Lucy E. Langford for admission to the Five Civilized Tribes.

Applicant not represented by Attorney.

Lucy E. Langford being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Lucy E. Langford.
Q How do you spell that surname? A L-a-n-g-f-o-r-d.
Q What is your age? A Forty-two.
Q What is your post-office address? A Raynesville, Osburna Parish, Louisiana.
Q How long have you lived there? A All of my life.
Q Were you born there? A Yes.
Q And never had a home anywhere else? A No.
Q What is your father's name? A Euben Wakes.
Q E-a-b-e? A O-a-k-e-s.
Q Is he living? A No.
Q What is your mother's name? A Margarete Phipps.
Q She is living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or by the Authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your husband's name? A Samuel B. Langford.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes, he is a white man.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes I have six.
Q Give the names and ages of these children? A Clinton O., twenty, Sarah B., eighteen, Emma May, fifteen, Annie L., eleven, Johnnie L., eight, Bertie, five.
Q Is that a boy or girl? A Girl.
Q These are all your children? A Yes.
Q What is the name of their father? A Samuel B. Langford.
Q Is your name or are the names of your children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children admitted or enrolled as members of that tribe? A Yes I applied in 1898 and 1899.

- Q What was done with that application? A It was rejected.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A Only in eighteen hundred and ninety seven to the Tribal Authorities.
- Q What kind of an application do you want to make now? A Treaty of eighteen hundred and thirty, article fourteen.
- Q You claim you are a Mississippi Choctaw, the descendant of a Mississippi Choctaw who lived in Mississippi in eighteen hundred and thirty? A Yes.
- Q What was the name of your mother's mother? A Betsy Scarborough.
- Q What was the name of your mother's father? A James Carborough.
- Q Which one of your mother's parents claimed to be Choctaw? A her mother.
- Q How much Choctaw blood did she claim? A One-half.
- Q Your grandmother you say claimed to be one-half? A Yes.
- Q How old is your mother? A She is seventy-two.
- Q Your grandmother then is a married woman and the head of a family in eighteen hundred and thirty? A Yes, I guess so.
- Q In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land in exchange for their land in those states, west of the Mississippi River but some of the Indians did not want to go west and the other Indians would not sign any treaty until some provision was made for those of their number who wanted to remain in Mississippi, so article fourteen was made a part of the Treaty for the benefit of those Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantify for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Under this article of the treaty, if those Choctaw Indians who wanted to stay in Mississippi would go to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to stay there and take land, they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it but if they ever removed would not get any portion of the Choctaw yearly payments of money. Now, within six months after the treaty was ratified a large number of Indians went to the Agent and told him that they wanted to take land there but when a locating agent was sent down by the Government to locate the land for these Indians it was found that there were a great many who claimed that they had gone to the Agent and told him they wanted to stay, whose names were not found on the list which the Indian Agent had made. This caused a great deal of complaint and Congress on March 3, 1837 and August 23, 1842, passed acts, appointing Commissioners to go down into Mississippi and find out which of the Indians really had a right to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a great many cases, some were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War if the land which the Indians claimed had not already been sold it was given to them. If the land had been sold, they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama. Did your grandmother own any land in one of those states? A I do not know.

Q You never heard? A No.

Q In order for you to be identified as a Mississippi Choctaw, it will be necessary for you to show that your grandmother was a Choctaw Indian who lived in the Choctaw Nation in eighteen hundred and thirty and that she within six months after the treaty of eighteen hundred and thirty was ratified went to the Indian Agent there and signified her intention or remaining or attempted to do so. Have you any evidence on these points? A Yes I have some witnesses to Uncle John's testimony.

Q Who is Uncle John? A John Scarborough.

Q Does that evidence show that your grandmother was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that she went to the Indian Agent and told him that she wanted to stay? A I don't know.

Written application of Lucy E. Langford offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

certified copies of two affidavits of John Scarborough and two affidavits of M. C. Whittle, and affidavits of J. E. Nelson, Wash. Holly, P. J. Holly, Daniel Underwood, Alfred Harkins, two affidavits of Charles Smith and two affidavits of Elijah Colbert, offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Q Who is John Scarborough the one you refer to as Uncle John? A Yes.

Q Do you know any one of the other people who have made these affidavits? A No I never have seen them.

Q Would you like to have your uncle called as a witness in your case? Yes my uncle and my mother too.

Applicant excused.

Margarete E. Phipps being called as a witness, duly sworn testified as follows:

- Q What is your name? A Margarete E. Phipps.
Q What is your age? A Seventy-two.
Q What is your post-office address? Haynesville, Louisiana.
Q Are you an applicant for identification as a Mississippi Choctaw?
A Yes.
Q Are you acquainted with Lucy E. Langford who has just made application? Yes.
Q What relation is she to you? A My daughter.
Q She gets her Choctaw blood through you? A Yes.
Q And you get your Choctaw blood from your mother? A Yes.
Q And your daughter gets her Choctaw blood through the same common ancestor that you do? A Yes.

Witness excused.

John Scarborough being called as a witness, duly sworn testified as follows:

- Q What is your name? A John Scarborough.
Q What is your age? A Seventy-six.
Q What is your post-office address? A Durant, Choctaw Nation.
Q Indian Territory? A Yes.
Q You have made application for identification as a Mississippi Choctaw? A Yes.
Q Are you acquainted with Lucy E. Langford who has just made application? A Yes.
Q What relation is she to you if any? A She is a niece of mine.
Q What is her mother's name? A Margarete Phipps.
Q What is Lucy E. Langford's father's name? A I am not acquainted with him.
Q You are related to her father or her mother? Her mother is my sister.
Q Her mother Mrs. Phipps is your sister? A Yes.
Q And she gets her Choctaw blood through which one of her parents?
A From her mother.
Q And her mother gets her Choctaw blood through the same source that you do? A Yes same source.

Witness Excused.

applicant recalled.

- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.
Q Is there any other statement that you wish to make at this time?
A No.

ELIAV

WESLEYAN EXAM

1001 A20:33

EX B Y E

Handwritten signature

Muskogee, Indian Territory, September 2, 1901.

Lucy E. Langford,

Raynesville, Louisiana.

Dear Madam:

In the matter of the applications for identification as
Mississippi Choctaws of

John S. Scarborough et al.
James Carpenter
William L. Mullens
Margaret Sanders
Margaret N. Peveto,

William D. Scarborough et al.
Everett R. Taylor et al.
Maggie Bradley
Josie Carpenter et al.

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on August 22, 1901, you appeared before this Commission at Atoka, Indian Territory, and applied for the identification as Mississippi Choctaws of yourself and six minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five

L. A. J. 98

Civilized Tribes at Ateka, Indian Territory, on Friday, November 8th, 1901, at 9:00 o'clock P. M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M. G. 3297

COPY.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R. 3397

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 31, 1902.

Lucy E. Langford,

Haynesville, Louisiana.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

John Scarborough, et al,	M. C. R.	252
Cora Ballard, et al,	M. C. R.	97
Ada Gailer, et al,	M. C. R.	98
Johnnie La Fayette Trotter	M. C. R.	99
William E. Pike, et al,	M. C. R.	100
Margaret E. Peveto,	M. C. R.	101
William J. Peveto, et al,	M. C. R.	102
Pinckney L. Scarborough, et al,	M. C. R.	103
Josie Carpenter, et al,	M. C. R.	165
James Carpenter,	M. C. R.	166
Margaret Sanders, et al,	M. C. R.	167
Carrie Pike,	M. C. R.	231
James E. Pike, et al,	M. C. R.	232
Mattie McDowell, et al,	M. C. R.	251
William D. Scarborough, et al,	M. C. R.	253
Sallie Mullins, et al,	M. C. R.	254
Susan Freeman, et al,	M. C. R.	255
Cornelius B. Scarborough, et al,	M. C. R.	256
John B. Mullins,	M. C. R.	257
Maggie Bradley,	M. C. R.	258
John S. Scarborough, et al,	M. C. R.	259
William A. Freeman, et al,	M. C. R.	260
William L. Mullins,	M. C. R.	261
Guy M. Granbury,	M. C. R.	286
Robert N. Scarborough, et al,	M. C. R.	442
Richard Elery Scarborough, et al,	M. C. R.	691
James J. Berry, et al,	M. C. R.	692
Margareete E. Phipps,	M. C. R.	3296
Lucy E. Langford, et al,	M. C. R.	3297
John L. Oakes, et al,	M. C. R.	3315
Guy Oakes, et al,	M. C. R.	3316
Lucy Bond, et al,	M. C. R.	3317
Amanda Eubanks, et al,	M. C. R.	4031

C. B. Granbury,	M. C. R. 4078
Alf Scarborough,	M. C. R. 4769
Sam Scarborough,	M. C. R. 4770
Wesley Scarborough,	M. C. R. 4771

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ermie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Dill Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cuebell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margarete E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED *Tams Bixby.*

Registered.

Acting Chairman.

COPY. M.C.R.3297.

Muskogee, Indian Territory, November 22, 1902.

Mary W. Langford,

Bogalusa, Louisiana.

Dear Madam:

You are hereby notified that on the 10th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Scarborough, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

W. H. DIXBY

W. H. Dixby.

Acting Chairman.

No. 8297

For Identification as a Mississippi Choctaw.

Date AUG 22 1901

Name Lucy Langford

Age 42 Blood 1/6

Post Office, Haynesville La

Father: Reuben Baker (dead)

Mother: Margarette Phipps

Claims through mother

Husband: Samuel Langford
(no claim for him)

Children:

Clinton O Langford 20

Sarah E " 15

Emma May " 13

Annie L " 11

Johnnie L " 8

Bertie " F 5

Claims for self and 6 children

Stenographer

G. Rosenwinkel

Lucy E. Langfo

RECEIVED

R3297

NOV 10 1902

Choctaw | MCR 3298

Ben Gibson

MCR 3298

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Ben Gibson, et al.,
for identification as Mississippi Choctaws.

-----o-----

Herein is the record in the matter of the application of
Ben Gibson, et al., for identification as Mississippi
Choctaws, M.C.R. 3298.

--o--

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Ben Gibson, et al.,
for identification as Mississippi Choctaws, M.C.R. 3298.

--: I N D E X :--

	(Page)
Original application of Ben Gibson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Big Wiley Johnson taken at Muskogee, Indian Territory, July 5, 1902-----	8
Decision of the Commission identifying the applicants herein as Mississippi Choctaws-----	10

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ben Gibson, et al.,
for identification as Mississippi Choctaws, K.C.R. 3298.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Ben Gibson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Big Wiley Johnson taken at Muskogee, Indian Territory, July 5, 1902-----	9
Decision of the Commission identifying the applicants herein as Mississippi Choctaws-----	11

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 20, 1901. ✓

In the matter of the application of Ben Gibson for the identification of himself and his wife, as Mississippi Choctaws.

Ben Gibson, having been first duly sworn, upon his oath states as follows: (Isam Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Ben Gibson.
- Q What is your age? A About fifty. ✓
- Q What is your post office address? A Hickory.
- Q Newton County, Mississippi? A Yes sir.
- Q How long have you lived in Newton County A All my life.
- ✓ Q Is your father living? A Dead.
- ✓ Q What was his name? A Me-ah-she-cubbee.
- Q How long has Me-ah-she-cubbee been dead? A About thirty years.
- Q About how old was he when he died? A I don't know how old he was when he died.
- Q Can you tell us about how old? A About thirty five years old when he died.
- Q How old were you when your father died? A I don't know how old-about ten.
- Q You were not grown then when your father died? A No.
- Q Do you think your father was as old when he died, as you are now? A Yes.
- Q Just about the same age as you are now, is that right? A About thirty five years old when he died, and I am about ten years old then.
- ✓ Q Is your mother living? A No.
- ✓ Q What was her name? A Polly.
- Q Did your mother have a Choctaw name too? A Yes.
- Q What was her Choctaw name? A Don't know Choctaw name.
- Q Did your father have an English name too besides his Choctaw name? A John Battiest.
- Q When did Polly die? A She died since Me-ah-she-cubbee died.
- Q Well, how long ago was it when Polly died? A About two months after Me-ah-she-cubbee died.
- Q Did your father and mother both always lived here in the State of Mississippi? A Yes.
- Q Which of them was the oldest? A Father.
- ✓ Q How much Choctaw blood did your father have? A Full blood.
- ✓ Q How much Choctaw blood did your mother have? A Full blood.
- ✓ Q How much Choctaw blood do you claim to have? A Full blood.
- ✓ Q Do you know the names of any of your grand parents? A Grand father named Tah-be-kah.
- Q That's your father's father? A Mother's father.
- Q Is that the only one of your grand parents whose name you remember A Don't know but one.

Ben Gibson, et al., 2.

- Q Did you ever see Tah-bo-kah? A No.
- Q Did he die before your birth? A I was little baby.
- Q Did he always live in Mississippi? A Yes.
- Q Are you married? A Yes.
- Q What is your wife's name? A Sealy.
- Q Do you want to make application for Sealy too? A Yes sir.
- Q How old is Sealy? A About fifty six.
- Q Are you living with her now? A Yes sir.
- Q You married her under the Choctaw custom or license? A Choctaw custom.
- Q Has your wife always lived in Mississippi? A Yes.
- Q Is your wife's father living? A Dead.
- Q What was his name? A Mah-yubbee.
- Q How long has he been dead? A Don't know how long. Never saw him.
- Q How old would he be if he was living now? A About seventy - over seventy.
- Q Did he always live here in Mississippi? A Yes sir.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he have an English name too? A Don't know.
- Q Is your wife's mother living? A Dead.
- Q What was her name? A Ah-tah-le-he-nah.
- Q Did she have an English name? A Don't know about English name.
- Q How much Choctaw blood did she have? A Full blood.
- Q Did she always live here in Mississippi? A Yes.
- Q How old would she be if she was living now? A About seventy five.
- Q Do you know the names of any of your wife's grand parents? A Don't know.
- Q How much Choctaw blood do you claim your wife has? A Full blood.
- Q Have you any children under twenty one years of age and unmarried? A No.
- Q Is your name, or your wife's name, on any of the Choctaw tribal rolls in Indian Territory? A No.
- Q Did you, or any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as citizens of the tribe? A Don't know.
- Q You know whether you ever made such an application to the tribal authorities or not? A No.
- Q Did you, or any one for you, or your wife, or any one for her, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
- Q Neither you nor your wife have ever been admitted to citizenship in the Choctaw Nation by any tribunal have you? A No.
- Q Have you or your wife, or any one for you, or either of you, ever made any application of any kind prior to this time, either to the Choctaw tribal authorities or to the United States authorities to be admitted or enrolled as members of the Choctaw tribe? A No.
- Q You now desire to make application for the identification of yourself and wife as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understand that 14th article of the Treaty of Dancing Rabbit Creek? A I don't know about that.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of

Ben Gibson, et al., 3.

Indians. At the time this treaty was made the Choctaws lived here in Mississippi and the western edge of Alabama. The object of the treaty was to secure their removal from the country occupied by them here in Mississippi and Alabama out west of the Mississippi to a new country, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made, some of the Indians were unwilling to remove to the new country, but preferred to remain here, and for the benefit of those who desired to remain here in Mississippi, the 14th article was put in the treaty. The 14th article of that treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that thoroughly now? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors, ever comply or attempt to comply with the provisions of that 14th article of the treaty, or ever receive any benefits thereunder?

A Yes sir.

Q Was it one of your ancestors, or one of your wife's ancestors, that complied with that 14th article? A Me-ah-she-subbee.

Q You mean then to testify that your father complied with the provisions of article 14 of the treaty? A Yes.

Q Now, did he ever get any land down here, your father? A Yes.

Q Where is that land? A On Tallahatta Creek.

Q What county? A Newton County.

Q How much land did your father get? A Mile square.

Q Who owns that land now? A Some white man owns that land; don't know who.

Q How long did your father keep that land after he got it? A Don't know how long; I was little boy. Don't know nothing about it.

Q When you were a boy, did your father live on that land? A Well, Me-ah-she-subbee didn't live on that land; patent got lost.

Q Well, that land was given to him by the Government of the United States, and they gave him a patent to it too? A Yes.

Ben Gibson, et al., 4.

Q Did you ever see the patent yourself? A No.

Q

On page 526 of Volume One of the record of the Court of Claims in the case of the Choctaw Nation of Indians versus the United States, Number 12742, in a list of three cases fully adjudicated by Commissioners Tyler, Gaines and Rush, on the 31st day of May, 1845, is found the case of Me-ah-she-cubbe, being Number 476. The decision of Commissioners Tyler, Gaines and Rush, allowing Me-ah-she-cubbe Section 12 of Township 7, Range 13, was, on the 23rd day of July, 1845, duly approved by the Honorable Secretary of the Interior.

Q Now, did any other of your people ever get any land from the Government? A No, don't know about that.

Q Never heard of any other getting any land? A No.

Q Did any of your wife's people ever get any land? A No, never heard about it.

Q What one of your wife's ancestors was living here in 1830, when this treaty was made? A Ah-tah-le-he-nah and Mah-yubbee.

Q Well, her father and mother were both living here seventy years ago? A Yes sir.

Q Did either they, or any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the Treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Don't know about that.

Q You don't know whether your mother or any of her people did that or not, do you? A Don't know.

Q Were any of your wife's ancestors, or any of your ancestors, except your father, recognized members of the tribe here in 1830, when this treaty was made? A Don't know about that.

Q Did any of them own an improvement here at the time the treaty was made? A No, don't know.

Q Did any of your ancestors, or any of your wife's ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Don't know about that.

Q Did any of your ancestors, or any of your wife's ancestors, within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A Yes.

Q Which one of them? A Don't know none of them, but that's all I know, my father.

Q That was Me-ah-she-cubbee? A Yes.

Q Did any of your ancestors, except your father, or any of your wife's ancestors, ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to

Ben Gibson, et al., 5.

register the names of Choctaw Indians who might desire to remain here and become citizens of the States under the provisions of that 14th article. The records of the Government show that that agent failed to register the names of many Choctaws who did in fact signify to him their intention to remain and take advantage of that 14th article of the treaty. On this account, the Government of the United States, at its public land sales, in many instances, sold land upon which Choctaws had improvements. This action of the Government in selling their lands upon which Choctaws had improvements occasioned a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission whose duty it was to come down here to Mississippi and hear the applications of Choctaws who claimed they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been taken away from them by the Government. This commission was duly appointed by the President and the commissioners came down here to Mississippi and heard a good many of these cases, but in the time allowed them by the Acts under which they were appointed, they were unable to dispose of but a comparatively small number, and Congress, therefore, a little later passed another Act which was approved on the twenty third day of August, 1842, providing for the appointment of a second commission to come down here and finish up the hearing of these Choctaw cases. That second commission was duly appointed by the President and the commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors except your father, or any of your wife's ancestors appear before either one of these commissions, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Don't know about that.

The Act of Congress approved August twenty third, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should have the right to select land elsewhere in Mississippi, or in Louisiana, Alabama or Arkansas, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors, ever receive any scrip from the Government of the United States under this Act of Congress? A Don't know about that.

Q Have you any witnesses before the Commission that you want to introduce at this time in your case? A Not here to-day.

Ben Gibson, et al., 7.

Q Have you any written evidence of any kind you want to offer? A No.
Q Do you know of any one living who would be able to support your testimony as to your ancestry and your being possessed of Choctaw blood, and who would know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder, and who would be equally well informed as to your wife? A Yes.

Q Who? A Solomon Jackson.

Q Where does Solomon live? A Conehatta.

Q Solomon is a full blood Choctaw? A Yes.

Q How old is he about? A About over sixty.

Q Do you know any one else who would be apt to know about these things? A John Smith.

Q Where does he live? A Conehatta.

Q How old is John? A About over seventy.

Q Is he a full blood Choctaw? A Yes.

Q

Well, if you see fit to send these witnesses up here to the Commission to appear before us, or bring them before us in a reasonable time, the Commission will be glad to hear their testimony in your case. If you see fit to submit written evidence within a reasonable time, that will be accepted by the Commission; we should be glad to have you submit such written evidence as you may desire to submit in thirty days, if possible.

Q Are there any further statements you want to make? A No.

Q Have you any children over twenty one years of age living? A Yes.

Q How many? A Two.

Q What are their names? A Willie Gibson.

Q What is the other one? A Emey.

Q A boy or girl? A Girl.

Q Are they married? A Was, but separated.

Q What is Emey's husband's name? A Henry Jackson.

Q How long have they been separated? A About four years ago.

Q Does she go by the name of Jackson or Gibson? A Gibson.

Q Does she live with you? A Yes.

Q Not married again? A No.

Q Has she any children? A Gone one child.

Q What is its name? A Sallie.

Q Is your daughter here to-day to come before the Commission? A No.

Q Is your son here to-day to come before the Commission? A Yes.

Q Have you any brothers living? A Yes.

Q What is your brother's name? A Bob Johnson.

Q Is he a full brother of yours? A Yes.

Q How does it come that your brother's name is Bob Johnson and your name is Ben Gibson? A White man give name Bob Johnson.

Q How long ago? A Long time ago.

Q How did you get the name of Ben Gibson? A White man give name Ben Gibson. Got another brother name JohnWilliam.

Q Are these two all the brothers you have? A Yes.

Q Are they elder or younger than you are? A Bob Johnson older.

Q And the other one younger? A Yes.

Q Where do they live, these two brothers of yours? A Bob Johnson live close to Hickory

Q Where does John William live? A Decatur.

Ben Gibson, et al., 8.

- Q Did you ever have any other brothers? A No.
Q Have either of these brothers been before the Commission?
A Yes. John William been here.
Q Here at Meridian? A Yes.
Q Has Bob Johnson been before us? A No been sick long time; can't hardly walk.
Q Have you any sisters living? A No sisters.
Q Is Bob Johnson's wife living? A Yes.
Q How many children have they? A Three children.
Q What are their names? A Oldest child, Maggie.
Q A girl? A Yes.
Q The next one? A Chone.
Q The next? A Tatum.
Q Now, has John William any children? A Yes got children; application made for them.
Q What are the names of those children of your other brother, John William? A Three children; don't know - little.
Q What are the names of those children? A Lewis, Tatum and Jonas.
Q What is John William's wife's name? A Don't know name.
Q Have you any sisters living? A No.
Q Did you ever have any sisters? A Yes, sisters all dead.
Q Did any of them have any children at the time of their death?
A No.
Q Are any of your wife's brothers living? A All dead.
Q Did any of them have any children at the time of their death?
Q No.
Q Any of your wife's sisters living? A All dead.
Q Did any of them have any children at the time of their death?
A No.

(This applicant has every appearance and characteristic of a full blood Indian; he speaks and understands the Choctaw language, and but very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 20th day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi,
this 24th day of August, 1901.

[Signature]

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 5th, 1902.

In the matter of the application of Ben Gibson for the identification of himself and his wife, Sealy Gibson, as Mississippi Choctaws.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q What is your age? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for yourself, your wife, Patsie, and your ward Allen Gilmore, as Mississippi Choctaws? A Yes.
Q Do you know a Choctaw Indian by the name of Ben Gibson? A Yes.
Q About how old a man is he? A I couldn't tell you how old--he's pretty old nohow.
Q Is he as old as fifty years? A Somewhere long about there.
Q Where does he live? A In Hickory, Mississippi, four miles.
Q He is living, is he? A Yes.
Q Do you know the name of his father or his mother? A I don't know his mother but his daddy's name Me-ah-she-cubbee.
Q Is Me-ah-she-cubbee living? A Dead long time.
Q Is Ben Gibson any relation to Bob Johnson? A Brother.
Q Full brother? A Yes.
Q Same father? A Yes, same father.
Q Do you know anything about their mother being the same and do you know the name of their mother? A Yes, same mother.
Q But you don't know her name? A No, I don't know her name.
Q Did Ben Gibson have any children? A No, no little ones.
Q All over age, are they? A Yes.
Q What are their names? A His son name Willie Gibson.
Q What's the other child's name? A Emnie, a girl.
Q Is Willie Gibson married? A Yes.
Q Is Emnie married? A Yes.
Q What is Emnie's married name? Who did she marry? A Henry Jackson, they quit.
Q Have Willie, and Emnie Jackson ever been before the Commission?
A Yes, they been.

Reference is made to Mississippi Choctaw cases No.M.C.R. 3301, Willie Gibson, et al., and M.C.R.No.3506, Emnie Gibson.

Ben Gibson, et al--2

- Q Where does Willie Gibson live? A Four miles from Hickory.
Q Where does Emnie live? A Same place.
Q Has Willie Gibson got any children? A Yes sir.
Q How many? A One.
Q What is his name? A Mack.
Q Has Emnie got any children? A Yes.
Q How many? A One, Sallie.
Q Is that child living with Emnie? A Yes.
Q Not living with its father? A No.
Q Were Emnie and Henry Jackson divorced or just living separate?
A No, just quit.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 9th day of July, 1902,
at Muskogee, Indian Territory.



Guy L. V. Emerson
Notary Public.

Corr

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--O--

In the matter of the application of Ben Gibson, et al.,
for identification as Mississippi Choctaws, M.C.R. 3298.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on August 20, 1901, by Ben Gibson for himself and his wife, Sealy Gibson, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.


Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Ben Gibson and Sealy Gibson should be identified as Mississippi Choctaws, and it is so ordered.

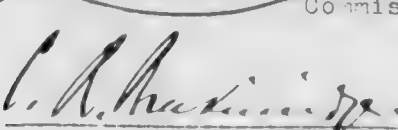
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



C. A. Harrison
Commissioner.

Muskogee, Indian Territory,
APR 17 1903

M C R
3300-1960-2484
3471-3298-3433

Muskogee, Indian Territory, April 4, 1903.

W. H. Gallows,

Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th
ultimo, advising change of post office address to Starrett, Indian
Territory, of the following Mississippi Ghosts:

Big Wiley Johnson	M C R 3300
Wiley Johnson	M C R 1960
Tom Williamson	M C R 2484
Sam Lewis	M C R 3471
Ben Gibson	M C R 3298
Louis Gibson	M C R 3433
Bob Johnson	M C R 3306
Ben Gilmore	M C R 3392
Jim Armstrong	M C R 3343
John Jack	M C R 3126
Willie Gibson	M C R 3301
Jeff Gibson	M C R 3303
Hamie Gibson	M C R 3809
Tom Gilmore	M C R 3090
Charley Lewis	M C R 1965
Lee Thompson	M C R 2110
John Willis	M C R 1160
Henry Jackson	M C R 2465

You are advised that a proper record has been made in
the matter.

Respectfully,

Commissioner in Charge.

COPY

M.O.R. 3298.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Ben Gibson and his wife, Bealy Gibson, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Ben Gibson and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, (SIGNED)

Tamie Dixby.

Chairman.

Registered.
Enc.: 3298.

M C R 3298

COPY.

Muskogee, Indian Territory, May 6, 1903.

Ben Gibson,

Care Big Wolf Johnson,

Starrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying Ben Gibson and his wife, Bealy Gibson as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Register,

Enc. 3298

(SIGNED)

Tamr Dixby.

Chairman.

No. 3233

For Identification as a Mississippi Choctaw.

Date AUG 20 1901

Name

Ben Gibson

Age

50

Blood

full

Post Office,

Nickory, Miss.

Father:

John Battiest
Me-ah-the-cubbee

d.

Mother:

Polly Battiest

d.

Claims through

both parents.

wife

Sealy Gibson (full)

56

father

Ma-h-yubbee

mother

Uh-toh-le-ho-nah

both claims through both parents.

Children:

(Claims for self and wife)

Stenographer

R. S. Street

No. 3298

For Identification as a Mississippi Choctaw.

Date 7/5/02
Name Ben Gibson
Age Blood

Post-Office,

Father:

Mother:

Claims through.

Additional testimony of
Big Wiley Johnson

Children:

Stenographer J. S. Hill

Ben Gibson et al.

IDENTIFIED

R. 3298

DECISION RENDERED APR 27 19

CHUCKALAN APR 27 19

COPY OF DEED

MADE

18

Choctaw MCR 3299

John Anderson

MCR 3299

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----O----

In the matter of the application of John Anderson, et al.,
for identification as Mississippi Choctaws.

---O---

Herein is the record in the matter of the application of
John Anderson, et al., for identification as Mississippi
Choctaws, M.C.R. 3299.

--O--

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of John Anderson, et al.,
for identification as Mississippi Choctaws, M.C.R. 3299.

---: I N D E X :--

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Original application of John Anderson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Big Wiley Johnson taken at Muskogee, Indian Territory, July 5, 1902-----	7
Decision of the Commission identifying the ap- plicants herein as Mississippi Choctaws-----	10

-----O-----

MER 3299

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 20, 1901.

In the matter of the application of John Anderson for the identification of himself and one minor child as Mississippi Choctaws.

John Anderson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A John Anderson.
Q What is your age? A Sixty three.
Q What is your post office address? A Hickory, Mississippi.
Q How long have you been living at Hickory? A I have been living there since they built the railroad.
Q When was that? A I expect about fifty years ago.
Q In what county is Hickory? A Newton County.
Q Have you always lived in Newton county? A Yes.
Q Born in Newton county? A Yes.
Q What is your father's name? A John William, Indian name Ah-pe-lah-tubbe.
Q Was he a full blood? A Yes.
Q Is he living? A Dead.
Q What is your mother's name? A Mother's name Ah-ho-la-timah.
Q Is she a full blood Choctaw Indian? A Yes.
Q Is she living or dead? A No, she is dead.
Q You claim to be a full blood Choctaw Indian? A Yes.
Q You claim through both your father and mother? A Yes., sure.
Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory. A My pa went to the territory and my mother, and came back.
Q When did they go? A Been gone long time.
Q How long ago? A About fifty years ago.
Q They did not stay there? A No.
Q You don't know whether they got enrolled out there? A No.
Q Are you married? A Yes, been married, but ain't got no wife now.
Q You don't want to make application for your wife? A No, just my child.
Q Is that the mother of the child you are going to put in? A Yes.
Q You were separated from her? A Yes.
Q Is she a full blood Choctaw Indian? A Yes.
Q You and Lucy do not live together? A No.
Q And you don't want to make application for her? A No.
Q She is living? A Yes, she is living.
Q Have you any children you want to make application for under twenty one years of age? A Yes.
Q What is the name? A Bobby Anderson.
Q How old is Bobby? A Thirteen years old.
Q He is living with you? A Yes sir.
Q Is he a full blood Choctaw Indian? A Yes sir.
Q Lucy is his mother? A Yes.
Q He claims his Choctaw blood through both father and mother? A Yes sir.

John Anderson---2.

Q Were you married to Lucy under a license or according to the Choctaw custom? A Choctaw custom.

Q You are not living together now? A No.

Q Did you separate just as all the Choctaws do. A Yes.

Q You didn't have any divorce? A No.

Q And you want to make application just for yourself and for Bobby? A Yes.

Q What is Lucy's father's name? A I don't know.

Q What is Lucy's mother's name? A I don't know.

Q They are both dead? A Yes.

Q Is your name or the name of your boy, Bobby, on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q Did you or any one for you or for your son ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe out there? A No sir.

Q Did you or any one for you or for your son in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Have you ever made application for yourself or your son or any members of your family to either the Choctaw tribal authorities or the

United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A Application was made for me two years ago, at Decatur.

Q Who put in this application for you two years ago? A Tom Keith.

Q What do you know about that? A I was down in Alabama and I sent word to him and he put in it. I didn't say to put Lucy's name in.

The records of the Commission show that application was made for this applicant and his wife Lucy at Decatur, Mississippi, to the Commission to the Five Civilized Tribes, on February 10, 1899, their names appearing upon Mississippi Choctaw Card Card 534 and also upon page 108 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi and claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being Nos. 1918, and 1919.

Q Why was not application made for Bobby two years ago? A He was with me down in Alabama.

Q Why didn't Keith make application for him? A He didn't know any thing about it.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and your minor son under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes.

Q Do you know what a treaty is? A No.

Q Do you know what a contract or agreement is? A Yes.

A treaty is the same thing as an agreement between men, only as this agreement is between two different nations, like the

John Anderson-----3.

Choctaw Nation and the United States government, it is called a treaty. The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. The object of that treaty was to secure the removal of the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation in Indian Territory, west of the Mississippi river. At the time the treaty was made, in 1830, some of the Choctaw Indians were unwilling to go to the Choctaw Nation, Indian Territory, and preferred to remain here in Mississippi in Mississippi in what constituted the old Nation. For the benefit of those Indians who remain, the fourteenth article was put into the treaty; an article is a part of a treaty. The fourteenth article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. ~~For~~ said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty of 1830 under which you claim your right to be identified as Mississippi Choctaws---Do you understand that now? A Yes sir.

Q You say your father's English name was John William, and his Choctaw name Ah-pe-la-tubbe? A Yes.

Q Do you know whether Ah-pe-la-tubbe received any land from the United States government under article fourteen of the treaty of 1830 A Not that I know of.

Q Do you know whether he got any land or not? A No, don't know.

Q Do you know whether he ever received any money or scrip from the government? A yes, I heard he got some money.

Q Can you tell the names of his brothers or sisters? A Ah-be-tah-tah.

Q That is your uncle? A Yes sir.

Q Did he have any other brother or sister that you remember? A Yes one named Chine-po-tubbe--He is younger than my father or Ah-be-tah-tah.

Q Do you remember the name Mah-ah-tah-honah? A No.

The records in the possession of the Commission show that Ah-pe-la-tubbe, the same name as given by this applicant is his father's Indian name, had a brother named Ah-be-tah-tah, which name is also given by this applicant as the name of his father's brother. These names appear upon page 507 of Vol. 1 of the records of the proceedings in the Court of Claims in the case of the Choctaw Nation of Indians vs. the United States, and the records

John Anderson-----4.

opposite these names of the disposition of the land show that a part of it was sold by the government. This applicant has no knowledge of his father having land received from the government, but that it is a matter of family history that his father did receive money from the government.

Q Do you know whether your father Ah-pe-la-tubbe ever received any scrip or certificates from the United States government? A No, sir.

Q Do you know how much money he received from the government? A No, I don't know how much. I was small at that time.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830--That is, did any of your ancestors go to the Indian Agent within six months after the ratification of the treaty and tell him they intended to stay here and take land and become citizens of the states? A No, sir, I didn't hear.

Q Were any of your ancestors living in Mississippi or Alabama in 1830 and were they recognized members of the Choctaw tribe of Indians? A Yes, they all stayed here in this country.

Q And were recognized members of the Choctaw tribe? A Yes, I always heard so.

Q Did your father or any of your Choctaw ancestors own any improvement on land in Mississippi in 1830? A I never heard.

Q Did any of your Choctaw ancestors go to the Indian Territory? A No sir, my father and mother went there and stayed three months.

Q How long ago was it they went to the territory? A I expect some fifty years ago.

Q And they stayed three months and came back? A Yes.

Q Were they enrolled as Indians out there? A No.

Q Did they ever take land out there? A No, got money out there.

Q Did your father get money in Mississippi, too? A I expect so, I didn't ask him.

Q Did you ever hear that he got land in Mississippi or money in Mississippi? A No, I didn't ask him.

Q This money that he got, do you think he got it in the territory or did he get it here? A Got it in the territory.

Q Do you know whether any of your ancestors ever received or claimed any land in Mississippi under article fourteen? A No sir.

Q Do you know whether any of your ancestors ever received any land or claimed any land or claimed any rights or benefits under any other article of the treaty of 1830 or under the supplement? A I don't know nothing about that.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaw Indians who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to stay in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account, in many instances, the land on which Choctaws had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land. On account

John Anderson---5.

of this, nay complaints were made by the Choctaw Indians to the government, and Congress in 1837 passed an act providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases of Choctaw claimants under article fourteen of that treaty. In 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these Commissions appointed under the act of Congress approved March 3, 1837, and under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A Yes sir,--I don't know.

Q Did you hear your father or mother went before either of these two Commissions? A No.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A I don't know.

Q Have you any witnesses before the Commission today that would be apt to know anything about your Choctaw ancestors? A No sir.

Q Have you any written evidence you want to give to the Commission now? A No.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission will be glad to have you offer such written evidence as you may see fit to submit within a period of thirty days from this date of it is possible for you to do so. If you should see fit to bring or send witnesses to come before the Commission and testify in your behalf, they may appear before us at Meridian, Mississippi, within a reasonable time and their testimony will be taken in support of your application.

Q Is there anything further you want to say? A No.

This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language fluently, that being his native language, although his testimony was given in the English language. He claims a compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830, because it is a matter of family history that his father, Ah-pe-la-tubbe and his uncle, Ah-be-tah-tah, both claimed rights under article fourteen of the treaty of 1830. While he himself has no knowledge of that either his father or his uncle received land in Mississippi, the records of the government (page 507, Vol. 1 of the proceedings in the Court of Claims in the case of the Choctaw Nation of Indians vs. the United States) show that two brothers, Ah-pe-la-tubbe and Ah-be-tah-tah, did receive land in Mississippi, being Sec. 36, T. 7, R. 13 E., in which the residence of five years is fully proven. The land was disposed of

John Anderson...

by being sworn to by the Government. Signification of intent
to be sworn to by the Government was also proven.

The witness further stated that he is sworn to by the Government
to be sworn to by the Government. Signification of intent
to be sworn to by the Government was also proven.

W. R. R. R.

Subscribed and sworn to before me on the 27th day of August, 1901.

[Signature]

Notary Public

VIA LEX PAPER

U.S.A. 1901

M C R 3299
" 3473
" 3474
" 3472

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 5th, 1902.

In the matter of the application of John Anderson for the identification of himself and his minor child, Bobby Anderson, as Mississippi Choctaws, M.C.R. 3299.

In the matter of the application of John Harper for the identification of himself and his minor child, Eunice Harper, as Mississippi Choctaws, M.C.R. 3473.

In the matter of the application of Oliver Young for the identification of himself, his mother, Lucy Anderson, and his cousin Ben Wallace, as Mississippi Choctaws, M.C.R. 3474.

In the matter of the application of John Lish for the identification of himself, his wife Mattie and his two minor children, John Roy and Annie Lish, as Mississippi Choctaws, M.C.R. 3472.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A Yes sir.
Q Do you know a Choctaw Indian by the name of John Anderson? A Yes sir.
Q Where does he live? A He lives in Newton County, Mississippi.
Q Do you know his postoffice address? A Doolittle is his postoffice but he move about.
Q Has he got an Indian name? A Yes.
Q What is his Indian name? A Stoo-na-chubbe.
Q Do you know his father's name? A Yes.
Q What was it? A Ah-pe-lah-tubbe.
Q Did he have an English name? A Yes, he had it but I don't know it.
Q What was his mother's name? A Ah-ho-la-ti-mah.

John Anderson, et al--2

Q Is John Anderson a married man? A Yes sir.
Q He and his wife live together? A No sir.
Q Have they any minor children? A Yes.
Q What is the name of his youngest child--his minor child--do you know? A I can't think of the youngest one.
Q What is the name of his wife? A I don't know the English name.
Q What is the name, the Indian name of his wife? A Me-ho-nah.
Q Do you recollect her English name? A No, can't recollect it.
I call Indian name all the time.
Q Give the names,,if you can, of John Anderson's children? A One name Bobby, that's all I know.
Q Didn't he have some older children who are married? A Yes.
Q What are the names of his married children? A John Harper.
Q Has he got another child? A Yes.
Q What is the name? A John Lish.
Q Has he another one, by the name of Oliver? A May be, I don't know.
Q Do you know John Anderson's grandfather's name? A I couldn't tell that.
Q Ah-pe-la-tubbe's father? A No, I don't know.
Q Do you know if John Anderson had any brothers? A Yes, he had one but dead long ago.
Q Did he leave any family? A No.
Q Did he have any sisters? A Half sister.
Q Was it Ah-pe-la-tubbe's daughter? A No.
Q Some other man's daughter? A Yes.
Q Do you know a Choctaw Indian by the name of Ben Wallace? A Yes.
Q Is he related to the Oliver Young who is a son of John Anderson?
A Yes.
Q In what way is he kin to him? A His cousin.
Q Was it through Ben Wallace's mother or Ben Wallace's father that he was related? A Their mothers were sisters.
Q Is Ben Wallace any kin to John Anderson? A I don't know what kin--I don't know they was kin.
Q Do you think he was kin to his mother's people or his father's people? A His father's people.
Q Then he would be kin to John Anderson? A Yes.
Q But you don't know what kin? A No.
Q Do you know anything about the ancestors of Lucy Anderson, John's wife? A No, I don't know Lucy's daddy.
Q Do you know her mother? A Yes.
Q What was her name? A ~~Mammy~~ Me-sa-li-honah.
Q Is Ben Wallace a son of John Anderson's sister? A I don't know whether or not.
Q Do you know whether he is a son of John Anderson's brother, or not? A No.
Q Did John Anderson have any brothers or sisters? A He did have one but he died.
Q Did he have any sisters? A A half sister.
Q Is Ben Wallace a son of his half sister? A No. Ben Wallace's mammy's name was Nancy.
Q What kin was Nancy to John Anderson? A Nancy is Ma-sa-li-honah's daughter.
Q Lucy's mother is named Me-sa-li-honah? A Yes, and Nancy is a daughter of Me-sa-li-honah; Lucy, whose Indian name was Ma-ho-nah, and Nancy, were sisters, the daughters of Me-sa-li-ho-nah.

John Anderson, et al---3

Q That would go to show ,then, that Ben Wallace is not kin to John Anderson at all? A Yes.

Q All of these persons whom you have testified about are living at the present time, are they? A Yes.

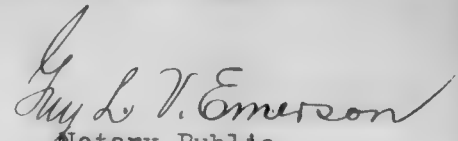
Q And their residence is in Newton County, Mississippi? A Yes.

Q Where? A Doolittle is their postoffice.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 10th day of July, 1902, at Muskogee, Indian Territory.



Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of John Anderson, et al.,
for identification as Mississippi Choctaws, M.C.R. 3299.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on August 20, 1901, by John Anderson for himself and his minor child,
Bobby Anderson, under the following provision of the act of Con-
gress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that all the applicants are full-blood Mississippi Choc-
taw Indians.

Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

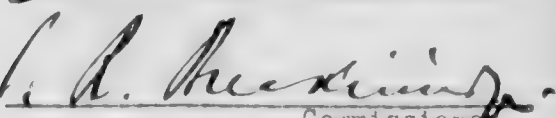
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Anderson and Bobby Anderson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
FEB 14 1903.

COPY.

M.C.R. 3299.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Anderson, and minor child Bobby Anderson, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Anderson and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Enc. W.C.B. 21.

SIGNED
Acting Chairman.

COPY.

M.C.R. 3299

Muskogee, Indian Territory, March 11, 1903.

John Anderson,

Hickory, Mississippi.

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Bobby Anderson, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tahomingo, Chickasaw Nation.

Respectfully,

Tams Bixby

(SIGNED)

Registered

Chairman

Enclosure 3299.

1299

No. 3299

For Identification as a Mississippi Choctaw.

Date AUG 20 1901

Name John Anderson

Age 63 Blood f. h

Post Office, Hickory, Miss.

Father: John William (ah-ye-lah-tubbe) f. h. - d

Mother: ah-lattimah f. h. - d

Claims through both parents.
 wife - Lucy - f. h. - l.
 No claim for wife - they
 do not live together -

Children:

Bobby Anderson, f. h. 13

See M. C. Card
 filed No. 534

Claims for self
 & son.

Stenographer H. C. Riteen

No. 3299

For Identification as a Mississippi Choctaw.

Date 7/5/02
Name John Anderson
Age Blood et al

Post-Office,

Father:

Mother:

Claims through

Additional testimony of
Big Wiley Johnson

Children:

Stenographer

et al

3077
John Anderson et al

250

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 3300

Big Wiley Johnson

MCR 3300

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Big Wiley Johnson,
et al., for identification as Mississippi Choctaws.

-----o-----

Herein is the record in the matter of the application of
Big Wiley Johnson, et al., for identification as Missis-
sippi Choctaws, M.C.R. 3300.

---o---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Big Wiley Johnson, et al., for identification as Mississippi Choctaws, M.C.R. 3300.

--: I N D E X :--

	(Page)
Original application of Big Wiley Johnson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Supplemental testimony of Big Wiley Johnson taken at Muskogee, Indian Territory, July 7, 1902-	8
Decision of the Commission identifying the applicants herein as Mississippi Choctaws-----	10

-----o-----

Mar 3300

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 20, 1901.

In the matter of the application of Big Wiley Johnson, for the identification of himself and one adopted child as Mississippi Choctaws.

Big Wiley Johnson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Big Wiley Johnson.
- Q How old are you? A Fifty six.
- Q What is your post office address? A Hickory, Mississippi.
- Q How long have you lived at Hickory? A Raised there.
- Q Always lived there? A Yes.
- Q That is in Newton county? A Newton county.
- Q What is your father's name? A Mon-tah.
- Q Is he dead? A Yes, dead long time.
- Q Was he a full blood Choctaw Indian? A Yes.
- Q Is your mother dead? A Yes, he dead.
- Q What was her name? A Choctaw name Chemahle.
- Q Was she a full blood Choctaw Indian? A Yes sir.
- Q What was her English name? A Lucy.
- Q Are you a full blood Choctaw Indian? A Yes sir.
- Q When did your father Montah die? A He went to the territory and died there.
- Q When did he go to the territory? A About fifty years ago, I was little bit of a boy.
- Q Did he go there alone? A Some of them here went.
- Q Did they pay their own way? A I don't know nothing about that.
- Q Did your mother go with him? A No.
- Q He left your mother and you here? A Yes.
- Q How long has Chemahle been dead? A She has been dead two years before the war.
- Q She died in 1858 or 1859? A Yes sir.
- Q Have your father or mother ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory--You say your father went to the territory and your mother did not? A Yes sir.
- Q Was your father enrolled out there? A I don't know.
- Q How long was he in the territory before he died? A About two years.
- Q Don't you know whether he was taken into the tribe.
- Q Did you ever hear that he was taken into the tribe? A No sir.
- Q Were your father and mother married; according to Choctaw custom or under license? A Just Indian way.
- Q Do you know anything about your father's brothers or sisters if he had any? A Yes I know, but I can't recollect all dead.
- Q If you heard the names could you tell the names? A No, couldn't tell a bit.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Patsie.
- Q Full blood? A Yes sir.
- Q How old is she? A Forty two.
- Q You claim for her? A Yes sir.
- Q What is her father's name? A Indian name Chuffatubbee, English

Big Wiley Johnson---2.

name Geor William.

Q Full blood? A Yes, full blood.

Q Is he dead? A Yes, dead long time.

Q What is your wife's mother's name? A Her name Sookey, Indian name Tah-honah.

Q Full blood? A Yes.

Q Is she living? A She is dead.

Q How old was Chuffatubbee when he died? A I can't tell.

Q How old was Tah-honah when she died? A Pretty old.

Q Do you know how old? A No.

Q Do you know anything about the brothers or sisters of Ch-mahle, your mother? A I know some, but not all of it.

Q What was her father's name? A Ahcheatubbe.

Q Do you know any of the brothers or sisters of Chuffatubbee? A No don't know.

Q Do you know any of the brothers or sisters of Tah-honah? A Her daddy Wah-kah-ta.

Q Did Tah-honah have any brothers or sisters? A No.

Q Do you know whether your wife's father or mother were ever recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.

Q Have you any children under twenty one years of age and unmarried that you want to make application for? A I have one named Allen,-- Allen Gilmore, living with me.

Q What was his father's name? A Tom Gilmore.

Q What is Allen's mother's name? A Emma Gilmore.

Q Is she living? A No dead.

Q How old is Allen? A Nine years old.

Q Is he a full blood Choctaw? A Yes sir.

Q Were his father and mother both full blood Choctaws? A Yes.

Q How old is Tom? A I don't know.

Q Is Tom Gilmore the same Tom Gilmore who appeared before the Commission at Meridian, Mississippi, and made application for identification as a Mississippi Choctaw? A Yes, he married again.

The records of the Commission show that Tom Gilmore appeared before the Commission at Meridian, Mississippi, July 27, 1901, and made application for the identification of himself, his wife, Martha and two minor children, Johnnie and Mamie as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card R-3096.

Q How long have you had Allen in your care? A Eight years.

Q You have had charge of him ever since he was a year old? A Yes.

Q And have taken care of it ever since its mother died? A Yes.

Q So you now make application for this boy? A Yes.

Q Did you ever legally adopt it? A No. My wife is Tom Gilmore's sister.

Q This child is a nephew of your wife? A Yes sir.

Q Are there any other children at your home that you want to make application for? A No.

Q Is your name or the name of your wife or the name of this boy, Allen Gilmore to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.

Q Did you or any one for you or for your wife or for Allen Gilmore ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.

Big Wiley Johnson-----3.

Q Did you or any one for you or for your wife or this boy in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

Q Have you or your wife or Allen Gilmore ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this for yourself or your wife or this boy to either the Choctaw tribal authorities, or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A I made application two years ago at Decatur.

The records of the Commission show that on February 9, 1899, this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, and made application for the identification of himself, his wife, Patsie, and Allen Gilmore, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 504, also upon page 104 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, being roll Nos. 1827-1828 and 1829 thereon.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and this child under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't understand that.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830; it was a treaty between the United States government and the Choctaw Indians in Mississippi and Alabama. At the time the treaty was made, the Choctaws occupied a portion of the state of Mississippi and a part of Alabama. The object of the treaty was to get the Choctaw Indians who lived in Mississippi and Alabama to go to the Choctaw Nation in Indian Territory, west of the Mississippi river--that is where the Choctaw Nation is now. At the time this treaty was made, seventy one years ago, some of the Choctaws were unwilling to go to the new country west of the Mississippi river and preferred to stay in Mississippi. For the benefit of those Indians who stayed, the fourteenth article was put into this treaty. Article fourteen reads as follows: Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be ~~has~~ bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present

Big Wiley Johnson-----4.

improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors or your wife's ancestors of Allen Gilmore's ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of your ancestors or your wife's ancestors or Allen Gilmore's ancestors went to the Indian Agent, Colonel Ward n and told him they wanted to stay in Mississippi? A I never heard about that.

Q Did you ever hear whether any of your wife's forefathers did that? A No.

Q Did you ever hear that xx Allen Gilmore's ancestors lived in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Yes.

Q Did they live in Mississippi? A Yes?

Q Not in Alabama? A No.

Q Did you ever know whether any of your ancestors ever had any land in Mississippi? A I heard of it; my kin folks never had no land.

Q Did your wife's kin folks ever have any land? A No.

Q Did Allen Gilmore's folks ever have any land? A No.

Q Do you know of anybody that knows whether they did or not? A No, all dead.

Q Do you know, back there in 1830 and before that, whether any of your ancestors or your wife's ancestors or Allen Gilmore's ancestors were recognized members of the Choctaw tribe of Indians? A I don't know about that.

Q They were full blood Indians? A Yes

Q Do you know whether any of your ancestors or your wife's ancestors or this boy's ancestors ever had any improvements on land in Mississippi in 1830 or before that time? A I don't know, couldn't tell you.

Q You say your father went to the Indian Territory in 1850 or thereabouts? A Yes.

Q And died out there? A Yes, died out there.

Q Did he ever have any land or money from the government? A No.

Q How long did he live there before he died? A Two years.

Q Did any others of your kin folks go to the territory? A No.

Q Did any of your wife's kin folks go to the Indian Territory? A No.

Q Did any of the ancestors of Allen Gilmore go to the Indian Territory? A No.

Q Did any of the ancestors of yourself, your wife or Allen Gilmore within six months after the ratification of the treaty of Dancing Rabbit Creek go to Colonel Ward and tell him they intended to stay in Mississippi and become citizens of the states? A I don't know.

Q Do you know whether any of your ancestors or your wife's ancestors or Allen Gilmore's ancestors ever claimed any land or received any land in Mississippi under article fourteen of the treaty of 1830?

A I don't know none of them.

Q Did your ancestors or your wife's ancestors of this boy's ancestors ever receive any benefits under any other article of the treaty of 1830 or under the supplement? A No.

In accordance with the provisions of the fourteenth article of the treaty of 1830, the government told the agent who lived in Mississippi at that time to go register the names of all Choctaw

Big Wiley Johnston---5.

Indians who wanted to stay in Mississippi and become citizens of the states. The records of the government show that this agent did not make a correct list of the names of all Choctaw Indians who want to his office and told him they wanted to stay in Mississippi and take land there and become citizens of the states. A Great many names were left off the list. On this account, in many instances, the land on which Indians had improvements and which they wanted reserved to them under article fourteen was sold by the government at its public land sales, and the Choctaws were deprived of their land. This action of the government caused a great many complaints among the Indians and the matter was brought before Congress, and in 1837, Congress appointed a Commission to come to the state of Mississippi and hear all these applicants who claimed rights to land under article fourteen of the treaty of 1830. In 1842, Congress appointed another Commission to listen to the same complaints of claimants who said they were deprived of rights under article fourteen of the treaty of 1830.

Q Did any of your ancestors, or your wife's ancestors or this boy's ancestors appear before either of these Commission, appointed under the act of Congress approved March 3, 1837, or under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors or Allen Gilmore's ancestors ever receive any scrip from the government of the United States under this act of Congress? A I never heard.

Q So far as you know were any of your ancestors or your wife's ancestors of this boy's ancestors ever recognized members of the Choctaw tribe of Indians? A I never heard about that.

Q So far as you know, did your ancestors, or your wife's ancestors or this boy's ancestors ever receive any benefits whatever as Choctaw Indians--ever receive any land, money or scrip from the government? A I heard that they got money but I don't know where they got it.

Q Who got money? A Agent brought money here.

Q When was that? A I was so small and can't recollect.

Q The agent here in Mississippi gave them money--gave your father money? A No, my father had gone.

Q Did your mother get money? A Yes she got little.

Q From the agent? A Yes.

Q What did she get the money for? A Don't know.

Q Did your wife's father or mother get any money? A I don't know.

Q Did this boy's father or mother get any money? A I don't know.

Q You heard that your mother got some? A Yes.

Q But you don't know how much? A No.

Big Wiley Johnson-----5.

Q Have you any written evidence you want to give to the Commission?
A No.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission will be glad to have you offer such written evidence as you may see fit to submit within a period of thirty days from this date. If you should see fit to bring or send witnesses before the Commission to testify in your behalf, they may appear before the Commission at Meridian, Mississippi, within a reasonable time, and their testimony will be taken in support of this application.

Q Is there anything more you want to say about this application?
A No.

John Anderson, having been called as a witness in behalf of applicant, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A John Anderson.
Q What is your age? A Sixty three.
Q What is your post office address? A Hickory Station.
Q Mississippi? A Yes sir.
Q Do you know Big Wiley Johnson, the applicant? A Yes sir.
Q How long have you known him? A Been knowing him ever since he was a little boy.
Q You know he is a full blood Choctaw Indian? A Yes.
Q And his father and mother before him? A Yes.
Q Do you know whether his father ever had any land from the government? A No sir.
Q Did you hear that his father went to the Indian Territory and died out there? A Yessir.
Q Do you know whether he was a recognized member of the Choctaw tribe of Indians out there in the territory? A I heard so.
Q Did Big Wiley's mother ever receive money or land from the government? A I don't know, I was so small at that time.
Q Did you ever hear any of the old people say that his father and mother were recognized members of the Choctaw tribe of Indians in 1830? A Yes sir, I heard them say so.
Q Did you ever hear the old people say they they had any land in Mississippi or ever had improvements on land in Mississippi? A Yes.
Q Do you know anything about it except what you heard them say? A No sir, I don't know myself.
Q Is there anymore more you know about this man or his father or mother or grandparents? A No, I knew them mighty well.
Q Does he speak Choctaw as well as he speaks English? A He speaks it better.
Q Whenever you and he are together do you take Choctaw? A Yes.
(Witness Excused)

This applicant has the appearance and all of the characteristics of a full blood Choctaw Indian. He speaks the English language sufficiently well for his examination to be conducted in English, but Choctaw is his native language which he speaks fluently. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of the fourteenth article of

Big Wiley Johnson-----7.

the treaty of 1850.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of August 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 27th day of August, 1901.

[Signature]

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 7th, 1902.

Supplemental testimony in the matter of the application of Big Wiley Johnson for the identification of himself, his wife, Patsie, and his ward, Allen Gilmore, as Mississippi Choctaws.

Big Wiley Johnson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, August 20, 1901, and there made application for yourself, your wife Patsie and your ward Allen Gilmore, as Mississippi Choctaws? A Yes sir.
Q What was your father's name? A Mahtah.
Q He is dead, is he? A Dead long ago.
Q Do you know how old he would be if he was living now? A I don't know how old, I was little when he left Mississippi.
Q When did he leave Mississippi? A Yes, I think he left when I was about three years old.
Q You say he left Mississippi, where did he go to? A Choctaw Nation. White folks can't pronounce Indian names--some say Montah and some say it different. Some say "mah" and some say "mon".
Q How do you pronounce your father's name--can't you spell it? A M-a-t-t-a-h; aint no "a" in Indian language.
Q Did your father have any brothers or sisters? A Yes.
Q Give the names of your uncles and aunts, commencing with the oldest? A The oldest one is Ah-ho-tu-nah.
Q Next one? A Ke-yo-cubbe.
Q Next one? A Mok-a-chubbe.
Q Next one? A Mah-no-te-mah.
Q Next one? A Mah-tah.
Q Is that your father? A Yes, that's my father.
Q Was there one child younger than your father? A Yes.
Q What was his name? A My sister, Ho-te-ah.
Q What was your father's father's name? A Ah-ne-skoo-nah.

The Mah-tah, referred to by the applicant, is evidently the I-mah-tah, a child under ten years of age at the date of the treaty, whose name is to be found in Volume 1, page 498, Claimants' brief and evidence of the Choctaw Nation vs. United States, Court of Claims No. 12742 in the cause of the Choctaw Nation of Indians vs. United States, Court No. 692, in a list of 27 cases fully adjudicated by Commissioners Tyler, Gaines and Rush, June 3, 1845; approved by the Secretary of War; disposition of land--awarded to Pa-tubbe. The name Pa-tubbe appears in a list of Choctaw Indians to

Big Wiley Johnson, et al--2

whom scrip was issued under the 14th article of the treaty
of Dancing Rabbit Creek, " P. No.52".
LIV,

- Q What is the name of your wife? A Patsie.
Q What was the name of your wife's father? A Chuf-fa-tubbee.
Q How old is your wife? A Forty-two.
Q What is your wife's grandfather's name? A I-ath-le-pah.

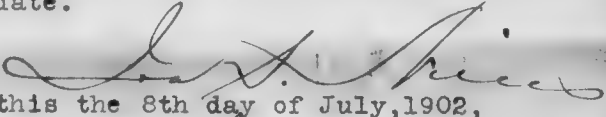
In a schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830, by remaining upon the land five years, in accordance with the provisions of that article, furnished the Commission by the Indian Office, there is found the name of Chuf-fa-tubbee, a child under ten years of age, parent- I-ath-le-pah, with a notation "no land".

- Q Can you give the ancestry of your ward Allen Gilmore? A Grandpa is all I know.
Q What was his grandpa's name? A He's a son of Tom Gilmore who is a brother of my wife; he's the grandson of Chuf-fa-tubbee and great grandson of I-ath-le-pah.
Q Your wife Patsie and your ward, Allen Gilmore, are living at this time, are they? A Yes sir.
Q Their postoffice is Hickory, Mississippi? A Yes.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 8th day of July, 1902,
at Muskogee, Indian Territory.


Guy L. Emerson
Notary Public.

(Original).

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Big Wiley Johnson, et al.,
for identification as Mississippi Choctaws, T.C.R. 3300.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on August 20, 1901, by Big Wiley Johnson for himself, his wife, Patsie Johnson, and his minor nephew, Allen Gilmore, under the following provision of the act of Congress approved June 26, 1898 (30 Stat. s., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

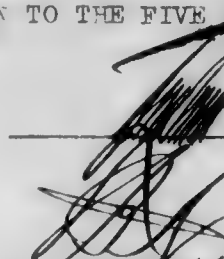
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Big Wiley Johnson, Patsie Johnson and Allen Gilmore should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 27 1903

Miss. Choctaw 3800

Muskogee, Indian Territory, April 11, 1904.

W. H. Sullivan,

Richmond, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 1, in which you ask to be advised when Big Wiley Johnson and his friends who have been before the commission as applicants for identification as Mississippi Choctaws should remove to the Indian Territory in order to share in the allotment of the lands of the Choctaw-Chickasaw country.

In reply to your letter your attention is invited to the following provisions of the act of congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaw and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of such settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

No decision has been reached by the Commission nor opinion rendered relative to the rights of Big Wiley Johnson as a Mississippi Choctaw, as soon as a decision is reached he will be notified of

W.R.G. 8

the action of the Commission.

You do not mention the names of the friends of Big Wiley Johnson, as when you refer, and it is impossible to give you any definite information relative to their applications.

Yours truly,

Commissioner in Charge.

M.C.R. 3300.

Muskogee, Indian Territory, November 25, 1902.

Big Wiley Johnson,
Hickory, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter without date, in which you ask when yourself and the other Mississippi Choctaws should remove to the Territory.

In reply you are informed that the Commission has not, up to this time, passed upon the right of full blood Choctaw Indians, residing in Mississippi, to be identified as Mississippi Choctaws, but is now considering their applications and it is probable that in the near future decisions will be rendered, when the applicants will be duly notified of the action of the Commission.

Relative to the time that the full blood Mississippi Choctaws should remove to the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations on September 25, 1902:

"41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identi-

B.W.J. --2.

lication as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws; and said enrollment shall be final when approved by the Secretary of the Interior & S. M. H.

Respectfully,

Acting Chairman.

W C R 3300

Muskogee, Indian Territory, January 22, 1903.

B. W. Johnson,

Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and proper action. Therein you state that it is too cold to move to the Indian Territory.

In replying to your communication, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself, your wife and minor nephew as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to the right of the full blood Choctaws residing in Mississippi to be identified as Mississippi Choctaws, but is now considering their applications and it is probable decisions will be rendered in the near future. Upon the rendition thereof such applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

B W Johnson

Relative to the time when duly identified Mississippi Choctaws should remove to and make settlement within the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to the said Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Respectfully,

Commissioner in Charge.

M C R
3300-1960-2454
3471-3298-3433

Muskogee, Indian Territory, April 4, 1903.

W. H. Callaway,

Nickery, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, advising change of post office address to Sterrett, Indian Territory, of the following Mississippi Choctaws:

Big Wiley Johnson	M C R 3300
Wiley Johnson	M C R 1960
Tom Williamson	M C R 2454
Sam Lewis	M C R 3471
Ben Gibson	M C R 3298
Lewis Gibson	M C R 3433
Bob Johnson	M C R 3396
Ben Gilmore	M C R 3392
Jim Arkansaw	M C R 3343
John Jack	M C R 8126
Willie Gibson	M C R 3301
Jeff Gibson	M C R 3203
Maude Gibson	M C R 3509
Tom Gilmore	M C R 3096
Charley Lewis	M C R 1965
Len Thompson	M C R 2119
John Willis	M C R 1169
Henry Jackson	M C R 2468

You are advised that a proper record has been made in the matter.

Respectfully,

Commissioner in Charge.

COPY

E.C.R. 8300.

Muskogee, Indian Territory, April 27, 1903.

Macfie, McMurphy & Gernish,

Attorneys for the Muskogee and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Big Wiley Johnson, his wife, Betsey Johnson, and his minor nephew, Allen Gilmore, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Big Wiley Johnson, his wife and nephew as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of fully identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, (Signed)

Tame Birby.

Chairman.

Registered.
 E.C.R. 8300.

M C R 3808

Muskogee, Indian Territory, April 25, 1903.

Big Wiley Johnson,

Starratt, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask if you have been identified as a member of the Choctaw.

In reply you are informed that the Commission has not up to the present time determined your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Chairman.

M C R 3300

Muskogee, Indian Territory, April 29, 1903.

Big Wiley Johnson,

Sterratt, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you ask if you have been identified as a Mississippi Choctaw.

In reply you are informed that on April 27, 1903, the Commission rendered its decision identifying you, your wife Patsie, and your minor nephew Allen Gilmore, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, and on the same date notice of such decision was furnished Messrs. Manafield, McFarray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

If at the end of fifteen days from April 27, 1903, no protest has been filed with this Commission against the enrollment of yourself and family as Mississippi Choctaws, the names of yourself, your wife Patsie, and your minor nephew Allen Gilmore, will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Chairman.

M.O.R. 3300

COPY.

Muskogee, Indian Territory, May 6, 1903.

Big Wiley Johnson,

Sterrett, Indian Territory .

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife, Patsie Johnson and minor nephew, Allen Gilmore as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

Tame Dixie.

Chairman.

Registered.

Enc. 3300

1300

No.

3500

For Identification as a Mississippi Choctaw.

Date

AUG 2 1901

Name

Big Wiley Johnson

Age

56

Blood

f. b.

Post. Office,

Hickory, Miss

Father:

Mon-tah, f. b. d

Mother:

Chemah-le f. b. d
(Lucy)

Claims through

both parents

wife, Patie f. b. 42
 father, William (Chiffatubbe) f. b. d
 mother, Sooken (Tahhonah) f. b. d
 Claims for wife

See M. C. Card filed No. 504

Children:

Allen Gilmore f. b. - 9

father Tom Gilmore f. b. -

mother Emma " f. b. -

Claims for self, son
 and nephew.

Stenographer

H. C. Ralston

No. 2300

For Identification as a Mississippi Choctaw.

Date

7/5/02

Name

Big Wiley Johnson

Age

Blood

Post-Office,

Father:

Mother:

~~Claims through~~

Additional Evidence of
Big Wiley Johnson

Children:

Stenographer

J. S. Miles

Choctaw MCR 3301

Willie Gibson

MCR 3301

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Willie Gibson, et al.,
for identification as Mississippi Choctaws.

---O---

Herein is the record in the matter of the application of
Willie Gibson, et al., for identification as Mississippi
Choctaws, M.C.R. 3301.

--O--

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Willie Gibson, et al.,
for identification as Mississippi Choctaws, M.C.R. 3301.

--: I N D E X :--

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Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 20, 1901.

In the matter of the application of Willie Gibson for the identification of himself and wife as Mississippi Choctaws.

Willie Gibson, having been first duly sworn, upon his oath states as follows: (Isham Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Willie Gibson.
Q How old are you? A Twenty six.
Q What is your post office address? A Hickory,
Newton County, Mississippi? A Yes sir.
Q How long have you lived in Newton County, Mississippi? A All my
life.
✓ Q Is your father living? A Yes.
✓ Q What is his name? A Ben Gibson.
Q Is he the Ben Gibson who was just before the Commission before
you came this time? A Yes.
✓ Q Is your mother living? A Yes.
✓ Q What is her name? A Sealy.
✓ Q How much Choctaw blood has your father? A Full blood.
✓ Q How much Choctaw blood has your mother? A Full blood.
✓ Q How much Choctaw blood do you claim to have? A Full blood.
Q How long has your father lived in the State of Mississippi? A All
his life.
Q How long has your mother lived in the State of Mississippi? A
All her life.
✓ Q Do you know the names of any of your grand parents? A Me-sh-
she-cubbee.
Q Who is he? A Grand father.
Q Father's father? A Yes.
✓ Q Do you know the names of any other of your grand parents? A
Mother's father named Mah-yubbee.
✓ Q Do you know the names of any other of your grand parents?
A Ah-tah-le-ho-nah, mother's mother.
Q Do you know the names of any other of your grand parents?
A No sir.
Q Did you ever see any of these grand parents? A No.
Q Do you know anything about where any of them lived? A No.
Q How old is your father? A Fifty.
Q How old is your mother? A About fifty five.
Q Do you know the names of any other of your ancestors than those
you have given? A That's all I know.
Q Did you ever hear of any of your ancestors going out to the
Indian Territory? A Don't know about that.
Q Are you married? A Yes.
✓ Q Is your wife living? A Yes.
Q Do you want to make application for her? A Yes.
✓ Q What is her name? A Mollie.
Q How old is Mollie? A Twenty four.
Q Were you married to her under a license or according to the
Choctaw custom? A Choctaw custom.

Willie Gibson, et al., 2.

- Q How long have you been married to her? A About one year and six months.
- Q Has she always lived in the State of Mississippi? A Yes.
- ✓ Q Is her father living? A Yes.
- ✓ Q What is his name? A John Allen.
- ✓ Q Is her mother living? A Dead.
- Q What was her name? A Don't know her name.
- ✓ Q How much Choctaw blood has John Allen? A Full blood.
- ✓ Q How much Choctaw blood did your wife's mother have? A Full blood.
- ✓ Q How much Choctaw blood do you claim to have? A Full blood.
- Q Has John Allen always lived in the State of Mississippi? A Yes.
- Q Did your wife's mother always live in the State of Mississippi? A Yes.
- Q Have all of your wife's ancestors, so far as you know, always lived in Mississippi? A Yes.
- Q Did you ever hear of any of them going out to the Indian Territory? A No.
- Q Do you know the names of any of your wife's grand parents? A Don't know.
- Q How old is John Allen? A Don't know.
- Q About how old is he? A About forty.
- Q About how old would your wife's mother be if she was living now? A Don't know how old.
- Q Was she older than her husband, or younger? A About same age.
- Q Have you any children? A No, my wife got children.
- Q Your wife has been married before then? A Yes.
- Q What was her first husband's name? A Lewis John.
- Q Is he living? A Yes.
- Q How many children has your wife by Lewis John? A One.
- Q Does that child live with your wife, or Lewis John? A Lewis John.
- ✓ Q This application then is for yourself and wife only? A Yes.
- Q Is your name, or your wife's name, on any of the Choctaw tribal rolls in Indian Territory? A No.
- Q Did you, or any one for you, or your wife, or any one for her, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as members of the tribe? A No.
- Q Did you or any one for you, or your wife, or any one for her, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
- Q Have you ever made any application of any kind before to-day? A No sir.
- Q Has your wife, or any one for her, ever made any application to the Commission, or to the tribal authorities before this application made for her to-day, through you? A No.

The records of the Commission show that on February 8, 1899, Lewis John appeared before the Commission at Decatur, Mississippi, and made application for the identification of himself, his wife, Nellie, and two minor

Willie Gibson, et al., S.

children, Simpson and Eamon John as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 172; also, upon page 100 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1721, 1722, 1723 and 1724, respectively, thereon.

Q Do you now desire to make application for the identification of yourself and wife as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a part of the State of Mississippi, and a small part of the State of Alabama, along the western edge of the State. The object of the treaty was to get these Indians to move out to a new country west of the Mississippi River, a part of which is now occupied by the main body of the tribe. Some of the Indians were unwilling to move out to the new country, and insisted that they be permitted to remain here. For the benefit of those who desired to remain here, the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Willie Gibson, et al., 4.

Q Do you think you understand this fourteenth article now fully?

A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A Yes.

Q Which one of your ancestors, or one of your wife's ancestors, ever complied with this 14th article? A Don't know about that; just heard about it.

Q Who did you hear complied with the provisions of this fourteenth article? A Don't know only about grand father or grand mother, that's all.

Q I want you to give the name of your ancestor who complied with this 14th article? A Me-ah-she-cubbee, and Ah-tah-le-he-nah.

Q Now, did one of them comply with the provisions of this 14th article? A Yes.

Q Which one of them did? A Me-ah-she-cubbee.

Q Did any of your wife's ancestors ever comply with the provisions of this 14th article? A I don't know about that.

Q Were any of your wife's ancestors, or any of your ancestors, living here in 1830, when this treaty was made? A I don't know about that.

Q Were any of them recognized members of the tribe here at that time? A I don't know about that; never heard about it.

Q Did any of your ancestors, or any of your wife's ancestors, own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain and become citizens of the States? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, ever claim or receive any land here in Mississippi as beneficiaries under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek? A Grand father got land.

Q Grand father, Me-ah-she-cubbee? A Yes sir.

Reference is hereby made to the testimony of Ben Gibson, who appeared before the Commission on this date, and made application for the identification of himself and his wife as Mississippi Choctaws, this applicant being his son.

Q None of the rest of them ever got any land? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, ever claim or received any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than this 14th article, or under the supplement to that treaty? A I don't know about that.

Willie Gibson, et al., 5.

Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here and become citizens of the States under that article. The records of the Government show that that agent failed to register and report to the Government, the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States, and for this reason, the Government, at its public land sales, in many instances, sold land upon which Choctaw Indians lived and had improvements, and which they supposed they would receive from the Government under the provisions of article 14 of the treaty. The action of the Government in selling land upon which the Choctaws lived, caused a great deal of complaint among them, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 23rd day of March, 1837, providing for the appointment of a commission, whose duty it was to come down here to Mississippi and hear the cases of Choctaw Indians who claimed they had complied in all respects with the provisions of article 14 of the treaty, but that their land had been sold by the Government. This commission was duly appointed by the President, and the commissioners came down here and heard some of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases, and it became necessary to have another commission appointed to finish up this work; and Congress, passed another Act which was approved on the twenty third day of August, 1842, providing for the appointment of a second commission to come down here and hear the rest of these cases. This second commission was appointed, and they came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty? A I don't know.

The Act of Congress approved August twenty third, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, Louisiana, Alabama or Arkansas, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Willie Gibson, et al., 6.

Q Did any of your ancestors, or any of your wife's ancestors, ever receive any scrip from the Government of the United States under the provisions of this Act of Congress? A No, never heard about it.

Q So far as you know, then, ~~was~~ the only one of ~~the~~ your ancestors who ever received any benefits under article 14 of the treaty is your father's father; is that right? A Yes.

Q And you never heard of any of your wife's ancestors ever having received any benefits under that 14th article? A No.

Q Have you any witnesses before the Commission to-day whom you desire to introduce in support of your application? A Not here to-day.

Q Do you know of any persons who would be able to support your testimony as your ancestors and your wife's ancestors and the amount of Indian blood claimed by you, and as to whether any of your ancestors or any of your wife's ancestors, ever ~~sampled~~ received any benefits under article 14 of the treaty of Dancing Rabbit Creek, or under any other article of that treaty, or under the supplement to that treaty? A Solomon Jackson.

Q Is Solomon a full blood? A Yes.

Q How old is he? A About over seventy.

Q Where does he live? A Conshatta.

Q Is that all the witnesses you know of? A One more, Old Hamah.

Q Where does she live? A Melon.

Q What county? A Newton.

Q Is she a full blood Choctaw? A Yes.

Q How old is she? A About eighty.

Q Is that all the witnesses you know? A That's all.

Q Have you any written evidence of any kind you want to offer?

A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your wife's ancestors, received here under this treaty of Dancing Rabbit Creek? A No.

Q

Well, you will be allowed a reasonable time in which to introduce witnesses to testify in support of your application, or, if you see fit to submit written evidence you can do that in a reasonable time; we will be glad to have you do that in thirty days though, if you can. You can either bring or send your witnesses here to Meridian.

Q Are there any further statements you want to make at this time in support of your application? A No.

Q Have you any brothers or sisters living? A Got one sister living.

Q What is her name? A Emney.

Q Where does she live? A Stays with me.

Q Has she ever been before the Commission? A No.

Q Is she married? A Used to be, separated.

Q What is her husband's name? A Henry Jackson.

Q Is he a full blood? A Yes.

Q Are any of your wife's brothers living? A No.

Q Did any of them have any children at the time of their death?

A No.

Q Any of your wife's sisters living? A Yes, one sister living.

Q What is her name? A Onie.

Willie Gibson, et al., 7.

Q Onie what? A Allen.
Q Married or single? A Single.
Q How old is she? A About 14.
Q Your wife's father, John Allen, has been before the Commission, has he not? A Yes.

The records of the Commission show that John Allen, the father of the applicant's wife, appeared before the Commission at Meridian, Mississippi, on May 20, 1901, and made application for the identification of himself as a Mississippi Choctaw. His name appears upon Mississippi Choctaw Card, Field Number R-2273.

Q Are any of John Allen's brothers living? A Yes, named John Wallace.
Q Is he a full brother of John Allen? A Yes.
Q Been before the Commission? A Yes.
Q Where does he live? A Decatur.
Q Are any other of John Allen's brothers living? A That's all brothers living.
Q Are any of John Allen's sisters living? A No.
Q Did he ever have any sisters? A Don't know about that.
Q Are any of the children of John Allen's deceased brothers living? A Yes.
Q What are the names of those children? A Got some grown children; about two of them stay with him.
Q With who? A John Wallace.
Q They are the children of one of John Wallace's brothers that are dead? A Yes.
Q They are not John Wallace's children you are referring to? A Yes, John Wallace's children, named Wess Wallace.
Q I want to know if there are any children of any other brother of John Allen, except John Wallace, living? A No.
Q How are any of your wife's mother's brothers living? A Done forgot about it.
Q Are any of your wife's mother's sisters living? A No.
Q Are there any further statements you want to make? A No.

(This applicant has every appearance and characteristic of a full blood Indian; she speaks and understands the Choctaw language and but very little English, the examination having been conducted entirely through a sworn choctaw interpreter)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above cause on August 20th 1901, and that the foregoing is a full, true and correct translation of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.

R. S. Streit
[Signature]
Notary Public.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE
Ident. Person
Application for Enrollment of

INFANT CHILD

Mine Gibson

IN RE *Gibson*

MISSISSIPPI CHOCTAW.

Nation.

FOR IDENTIFICATION
Approved
MISSISSIPPI CHOCTAW
Commissioner.

See M. C. R. 3301.

The within application is accepted as proof of the birth of the within named child and is to be filed with and made a part of the application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

[Signature]
Acting Chairman.

MISSISSIPPI CHOCTAW. *R 43301*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 11 1901

[Signature]
ACTING CHAIRMAN

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification
IN RE Application for ~~Identification~~, as a ~~member of the~~ MISSISSIPPI CHOCTAW. ~~Nation~~
of Mike Gibson, born on the 2 day of November, 1901.
(Here insert name of child)
Name of Father: Willie Gibson, a ~~member of the~~ MISSISSIPPI CHOCTAW. ~~Nation~~
Name of Mother: Mollie Gibson, a ~~member of the~~ ~~Nation~~.
Post-office, Hickory, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
~~INDIAN TERRITORY~~

State of Mississippi, }
County of Newton

Mollie Gibson, on oath state that I am 24
years of age and a ~~citizen~~ citizen of the ~~Nation~~;
that I am the lawful wife of Willie Gibson, who is a ~~citizen~~ citizen of the
~~Nation~~, that a Male child was
(male or female)
born to me on the 2 day of November, 1901; that said child has been
named Mike Gibson, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

W. Gallahy
D. M. Gallahy

Mollie Gibson
mark

Subscribed and sworn to before me this

9 day of Nov, 1901.
J. M. Cross
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
~~INDIAN TERRITORY~~

State of Mississippi, }
County of Newton

Sealy Gibson, a Midwife, on oath state that I
attended on Mrs. Mollie Gibson, wife of Willie Gibson.
on the 2 day of November, 1901; that there was born to her on
said date a Male child; that said child is now living and ~~is said to have~~ has been
(male or female)
named Mike Gibson.

WITNESSES TO MARK

(Must be Two
Witnesses)

W. Gallahy
D. M. Gallahy

Sealy Gibson
mark

Subscribed and sworn to before me this

9 day of Nov, 1901.
J. M. Cross
NOTARY PUBLIC

M C R 3308
" 3301
" 3809
" 3491
" 2838
" 4043

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, Indian Territory, July 8th, 1902.

In the matter of the application of Jeff Gibson for the identification of himself, his wife Lucy, and his three minor children, William, Ellis and Snowden Gibson, as Mississippi Choctaws, M.C.R. 3308.

In the matter of the application of Willie Gibson for the identification of himself and his wife, Nellie Gibson, as Mississippi Choctaws, M.C.R. 3301.

In the matter of the application of Emma Gibson for the identification of herself and her minor child, Sallie Gibson, as Mississippi Choctaws, M.C.R. 3809.

In the matter of the application of Alex Gibson for the identification of his sister Leona Gibson as a Mississippi Choctaw, M.C.R. 3491.

In the matter of the application of Alex Gibson for the identification of himself as a Mississippi Choctaw, M.C.R. 2838.

In the matter of the application of Bard Gibson for the identification of himself, his wife Susanna and his minor children, Lela and Kim Gibson, as Mississippi Choctaws, M.C.R. 4043.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself, your wife, Fatsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A Yes.
Q Are you acquainted with a Choctaw Indian by the name of Jeff Gibson? A Yes sir.
Q About how old is he? A I couldn't tell about how old.

Jeff Gibson, et al.--2

Q Is he over twenty-one? A Yes, over.
Q Where does he live? A Lives close by me.
Q Near Hickory, Mississippi? A Yes.
Q How long have you known him? A All his life.
Q What is the name of his father? A William Gibson.
Q Is he living? A No, dead long time.
Q What is the name of his mother? A I can't think of Indian name.
Q What is the English name? A Becky.
Q Is she living? A No, dead.
Q Were they both full blood Choctaw Indians? A Yes, full blood.
Q What was Jeff's father's father's name? What was William Gibson's father's name? A Tah-muckee.
Q Is he living? A No, dead long time.
Q Do you know his mother, Becky's, father's and mother's names? A No, I don't know that.
Q Is Jeff Gibson married? A Yes.
Q What is the name of his wife? A Lucy.
Q Do you know what Lucy's father's and mother's names are? A Yes, her daddy's name John Lewis.
Q Is he living? A No, dead.
Q Did he have an Indian name? A No sir.
Q What was Lucy's mother's name? A Martha.
Q Did she have an Indian name? A No.
Q Do you know anything about Lucy's grandparents' names? A They come from Megaluma--I don't know about them.
Q Do you know anything about the names of the father and mother of Tah-muckee? A No.
Q Tah-muckee, then, is as far back as you know anything about the parentage of Jeff Gibson? A That's all I know.
Q Has Jeff Gibson any relatives who have been before this Commission for identification as Mississippi Choctaws? A Yes.
Q What are their names? A Walter Gibson, his half brother.
Q Is Walter Gibson a son of William Gibson? A Yes.
Q Walter Gibson and Jeff have the same father but different mothers? A Yes.
Q Are there any other relatives of Jeff who have been before the Commission? A Yes, Alex Gibson, appear for his sister Leona; they are full brother and sister.
Q Are they half brother and sister of Jeff Gibson? A Yes.

Reference is made to Mississippi Choctaw cases M.C.R.3491, Leona Gibson, and M.C.R.2535, Alex Gibson.

Q Do you know anything about the parentage of the Martha Gibson who was the wife of William Gibson and the mother of Alex and Leona Gibson--what were Alex' mother's father's and mother's names? A Hillatubbe was Martha's father's name.
Q Do you know whether Hillatubbe ever received any benefits from the United States Government as a Choctaw Indian under article 14 of the treaty of 1830, or not? A No, I never heard. He was an old man.
Q Do you know the names of any of Hillatubbe's relatives--any of his brothers or sisters? A I can't think of it--all by himself when he die--he was an old man when he died, when I was a boy.

Jeff Gibson, et al--3

The records in the possession of the Commission, giving the lists of Choctaw Indians, beneficiaries under article fourteen of the treaty between the United States Government and the Choctaw Tribe of Indians, concluded September 27, 1830, examined, and the name of Hillatubbe is found in Volume 1, page 529, Claimants brief and evidence in the case of the Choctaw Nation vs. United States, No. 12742, Court No. 45, in a list of 46 cases fully adjudicated by Commissioners Tyler, Gaines and Rush, on the 30th of May, 1846, Hillatubbe appearing as a person dead at that date.

The name of Hillatubbe is also found in a list of names of Choctaws to whom scrip was issued under the 14th article of the treaty of Dancing Rabbit Creek, prepared by the Indian Office and in the possession of the Commission,
" X X V I "

106

Q Is there anything further you can say about the ancestors of Martha who was the wife of William Gibson and the mother of Alex and Leona Gibson--do you know anything about him, other than he was an old man when he died? A He died when I was a boy.

Q Do you know whether he ever received any land or scrip from the United States Government under article fourteen? A I never heard about that.

Q Were you old enough to recollect whether he lived upon any land or did he have a farm or improvement? A No, he didn't have no land.

Q Do you know where he lived when he died? A Yes, he lived in Newton County but he got sick way back in Scott County and he came down there to get well and he got gun and kill himself.

Q Do you know a Choctaw Indian by the name of Bard Gibson? A Yes sir.

Q Where does he live? A Live in Conehatta.

Q What relation, is he, if any, to Alex and Leona Gibson? A Brother and sister.

Q Full brother and sister? A Yes.

Q Same father and same mother? A Yes.

Q He has been before the Commission and applied for identification as a Mississippi Choctaw, has he? A Yes.

Q Has William Gibson any other children by his wife Martha or by any other of his wives than you have already testified about? A I don't know--I never heard--he never told me about that.

Q You have testified about all the names of the children of William Gibson that you know? A Yes, that's all I know.

---0---

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 8th, 1902, and that the above and foregoing

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



Wm. L. Gorman
Special Agent in Charge

Cow,

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Willie Gibson, et al.,
for identification as Mississippi Choctaws, M.C.R. 3301.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on August 20, 1901, by Willie Gibson for himself and his wife, Mollie Gibson, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears that since the date of the making of the original application there was born to Willie Gibson and his wife, Mollie Gibson, a child named Mike Gibson.

From the evidence submitted in support of said application

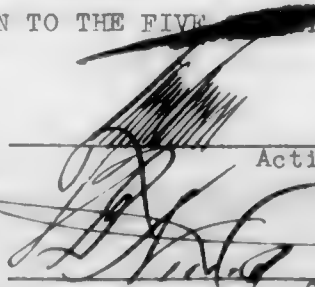
it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Willie Gibson, Mollie Gibson and Mike Gibson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 27 1903

N E E
3300-3301-3343
3343-3344-3303

Butte, Indian Territory, April 4, 1903.

W. E. Callaway,

Highway, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th
ultimo, advising change of post office address to Sterrett, Indian
Territory, of the following Mississippi Choctaws:

Big Wiley Johnson	M C R 3300
Wiley Johnson	M C R 1900
Tom Williamson	M C R 2454
Sam Lewis	M C R 3471
Ben Gibson	M C R 3396
Louis Gibson	M C R 3433
Bob Johnson	M C R 3396
Ben Gilmore	M C R 1392
Jim Arkansas	M C R 3343
John Jack	M C R 5126
Willie Gibson	M C R 3301
Jeff Gibson	M C R 3303
Samie Gibson	M C R 3309
Tom Gilmore	M C R 2736
Charley Lewis	M C R 1948
Len Thompson	M C R 3319
John Willis	M C R 3169
Henry Jackson	M C R 3148

You are advised that a proper record has been made in
the matter.

Respectfully,

Commissioner in Charge.

COPY.

M C R 3301

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Willie Gibson his wife Nellie Gibson and minor child Mike Gibson as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Willie Gibson, his wife and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

Registered.
Enc. 3301

M. C. R. 3301

COPY.

Muskogee, Indian Territory, May 5, 1903.

Willie Gibson,

C/o Big Willy Johnson,

Sterrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife, Mollie Gibson, and your minor child, Mike Gibson as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tamm Birby.
Chairman.

Registered.

No. 3301

M C R 2301

Washoe, Indian Territory, April 14, 1905.

Willie Gibson,

Paumotu, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing application for the enrollment as a citizen of the Choctaw Nation of Jimmy Gibson, infant son of Willie and Nellie Gibson, born January 27, 1905.

Respectfully,

Commissioner in Charge.

1301

No. 3201

For Identification as a Mississippi Choctaw.

Date AUG 20 1901

Name Willie Gibson

Age 26 Blood free

Post Office Hickory, Miss.

Father: Ben Gibson L

Mother: Staly " L

Claims through both parents
Wife Mollie Gibson (full) 24
Father John Allen L
Mother don't know d
Wife claims through both parents d

Children:

(Claims for self & wife)

As to Mollie Gibson see Miss.

Choc. Card Filed No. 472.

Appearance 2/8/99)

Stenographer

R. S. Street.

the Gibson, et al

IDENTIFIED

183301

DECISION RENDERED APR 2, 1903

COPY OF DECISION FORWARDED
TO THE NEYS FOR THE LAW AND
CHICKASAW NATIONS. APR 9, 1903

COPY OF DECISION

MAY 1903

Wm. B. P. Gibson, et al. I J

Ed. Stewart, I J

Choctaw MCR 3302

Martha Johnson (Pensa Konah)

See MC #507

MCR 3302

11

11

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Martha Johnson as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for
the identification of Martha Johnson as a Mississippi
Choctaw, M.C.R. 3302.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Martha Johnson for
identification as a Mississippi Choctaw, M.C.R. 3302.

--: I N D E X :--

	(Page)
Original application of Martha Johnson to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Testimony of Ben Johnson-----	5
Decision of the Commission dismissing the case of Martha Johnson for identification as a Mis- sissippi Choctaw-----	6

-oOo-

MER 3302

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MERIDIAN, MISSISSIPPI, August 20, 1901.

In the matter of the application for the identification as a Mississippi Choctaw of Martha Johnson, an invalid, made in her behalf by Big Wiley Johnson.

Big Wiley Johnson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Big Wiley Johnson.
- Q What is your age? A Fifty six.
- Q What is your post office address? A Hickory, Mississippi.
- Q Have you made application for identification as a Mississippi Choctaw before the Commission on this date? A Yes sir.
- Q Do you now appear to make application for Martha Johnson as a Mississippi Choctaw? A Yes.
- Q Are you any kin to her? A Yes, some kin.
- Q Where is she? A Down below Hickory.
- Q How old is Martha Johnson? A Seventy seven.
- Q Is she sick and not able to come before the Commission in person? A Yes.
- Q What is the matter with her? A Dropsy.
- Q Do you think she will ever get well? A No.
- Q Did she request you to make this application for her? A Yes.
- Q And you make it because you are some kin to her and because she is very sick and very old and infirm? A Yes.
- Q You are sure she couldn't come herself? A Couldn't come.
- Q What is her post office address? A Hickory, Mississippi.
- Q How long has she lived at Hickory? A A good while.
- Q All her life? A Yes in that county.
- Q She has lived in Newton county all her life? A Yes.
- Q What is her father's name? A Don't know.
- Q Is her father dead? A Yes.
- Q Was he a full blood Choctaw Indian? A Yes.
- Q Did you know him? A No.
- Q How do you know he was a full blood Choctaw? A She told me.
- Q Do you know the name of her mother? A Illa-hoka.
- Q Do you know whether Martha Johnson has a Choctaw name? A Yes.
- Q What is her Choctaw name? A Pensakonah.
- Q Was Martha Johnson's mother a full blood Choctaw Indian? A Yes, dead long time.
- Q You claim Martha is a full blood Choctaw Indian? A Yes.
- Q And she claims through both her father and mother? A Yes.
- Q Were her father and mother ever recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know about that.
- Q Has she a husband? A He is dead.
- Q Has she any children? A No, no children.
- Q You make application just for her only? A Yes.
- Q Do you know if the name of Martha Johnson can be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know about that.
- Q Did she ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the Choctaw tribe of Indians? A No.

Martha Johnson----2.

Q Did she make application in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I don't know.

Q Was she ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Did she ever make application before this or did any one for her to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation? A Yes, she told me, made application at Decatur, two years ago.

The records of the Commission show that Martha Johnson made application to the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, for identification as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card Field No. 507, also upon page 105 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being Nos. 1839 thereon.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands for Martha Johnson under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi river, now known as the Choctaw Nation in Indian Territory. At the time the treaty was made some of the Choctaws were unwilling and refused to go to the new country, and for the benefit of this class of Indians, the fourteenth article was put into that treaty. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the state for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. The said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Martha Johnson----3.

Q Do you understand that article? A Yes sir.

Q Do you know whether any of Martha Johnson's ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A Don't know.

Q Do you know anything about her ancestors at all? A No, don't know.

Q Are there any justices of the peace or magistrates up there where you live? A Yes.

You can tell Martha Johnson to have a lawyer or justice come to her house, and let her make an affidavit before him, stating all the facts that she can think of about her father and mother, and her ancestors farther back, and if she cannot do that, and is not well enough to do so, see if you can get some other written evidence and send to the Commission in support of this application.

Q Do you know whether any of Martha Johnson's ancestors were recognized members of the Choctaw tribe of Indians in 1830 in Mississippi? A I don't know.

Q Did any of her ancestors own any improvements on land in Mississippi in 1830? A No, she didn't say about that; I think not.

Q Did any of her ancestors go to the United States Indian Agent within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi and take land there? A Don't know.

Q Did any of her ancestors claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A Don't know.

Q Did any of her ancestors receive any benefits under any other article of the treaty of 1830 except article fourteen or under the supplement of that treaty? A Don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaw Indians who really did signify to him their intention to stay in Mississippi and take advantage of article fourteen of the treaty of Dancing Rabbit Creek. On this account in many instances, the lands on which Indians had improvements were sold by the government at its public land sales and the Choctaws were deprived of their lands. This action of the government caused many complaint by Choctaw Indians so that in 1837, Congress passed an act providing for the appointment of a Commission, whose duty it was to hear Choctaw claimants who claimed rights under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for the same purpose.

Q Did any of Martha Johnson's ancestors appear before either of these Commissions, appointed under the act of Congress approved March 3rd, 1837, or under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

3

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied

Martha Johnson-----4.

in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of Martha Johnson's ancestors ever receive any scrip from the government under this act of Congress? A I don't know.

Q So far as you know did any of ~~xxx~~ her Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A Don't know.

Q You have no written evidence you want to introduce in support of this application you make for her? A No.

Q And no other witnesses? A No.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application, and the Commission will be glad to have you or Martha Johnson or any one for her offer such written evidence as you or she may see fit to submit within a period of thirty days from this date if it is possible to do so. If you in her behalf should see fit to bring or send witnesses before the Commission to testify in her case, or if she should desire to send such witnesses, they may appear before the Commission at Meridian, Mississippi, within a reasonable time and their testimony will be taken in support of her application.

Q Are there any further statements you want to make in support of this application you make for Martha Johnson? A No sir.

Q You don't know anything further about her ancestors? A No, I couldn't tell you.

Q You don't know whether they ever got any land or not? A No.

Q You know she is a full blood Choctaw? A Yes.

Q Does she speak the Choctaw language? A Yes sir.

Q Does she talk English? A Not much.

Q You have known her all your life? A Yes sir.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of August 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 27th day of August, 1901.

H.C. Risteen

[Signature]

Notary Public

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 10th, 1901.

In the matter of the death of Martha Johnson, Mississippi Choctaw Card, Field No. 507, and Mississippi Choctaw Card R-3302.

Ben Johnson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Ben Johnson.
Q Where do you live? A Hickory, Mississippi.
Q Are you a full blood Choctaw Indian? A Yes.
Q What is your age? A About fifty.
Q What is your occupation? A Farmer.
Q Do you know Martha Johnson? A Yes.
Q Is Martha Johnson living or dead? A Dead.
Q Is the Martha Johnson of whom you now speak the same Martha Johnson for whom Big Wiley Johnson made application on August 20, 1901, at Meridian, Mississippi? A Yes.
Q When did Martha Johnson die? A Last Thursday, September 5, 1901.
Q Where did she die? A At my home.
Q Near Hickory? A Yes.
Q In what county? A Newton county.
Q What was the cause of her death? A Dropsy.
Q How long was she sick before she died? A For a month.
Q And when Big Wiley Johnson made application for her on August 20, 1901, it was because she was too sick at that time to come before the Commission? A Yes.
Q Where was she buried? A At my home.
Q Were you present when she died? A Yes.
Q And did you see her buried? A Yes.
Q Was she buried right near your home? A Yes.
Q Was application made for her two years ago before the Commission at Decatur, Mississippi? A Yes.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of September, 1901.

[Signature]

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Martha Johnson for
identification as a Mississippi Choctaw, M.C.R. 3302.

---: D E C I S I O N :---

It appears from the record herein that an application for
identification as a Mississippi Choctaw was made to this Commission
on August 20, 1901, by Big Wiley Johnson for Martha Johnson, under
the following provision of the act of Congress approved June 28,
1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence herein it appears that the applicant
died prior to September 25, 1902, the date upon which the act of
Congress approved July 1, 1902 (32 Stats., 641), was ratified by

the citizens of the Choctaw and Chickasaw Nations.

It is, therefore, the opinion of this Commission that the application for the identification of Martha Johnson as a Mississippi Choctaw should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 29 1904

M.C.R. 3302

COPY

Muskogee, Indian Territory, July 29, 1904.

Big Wiley Johnson,

Pawcawla, Indian Territory,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904, dismissing the application for identification as a Mississippi Choctaw of Martha Johnson.

Respectfully,

(SIGNED)

T.B. Needles.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, July 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904, dismissing the application for identification as a Mississippi Choctaw of Martha Johnson.

Respectfully,

Commissioner in Charge.

1302

No.

3302

For Identification as a Mississippi Choctaw.

Date

AUG. 20 1901

Name

Martha Johnson, by Big Wiley Johnson.

Age

77 -

Blood

f.b.

Post Office,

Vicksburg, Miss.

Father:

don't know.

f.b.

d

Mother:

Illahoka

f.b.

d

Claims through

both parents,

~~Original~~

Claims for Martha Johnson alone

See M.C. Card filed No. 507

Stenographer

H.C. Rickett

Choctaw MCR 3303

Jeff Gibson

MCR 3303

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Jeff Gibson, et al.,
for identification as Mississippi Choctaws.

--o--

Herein is the record in the matter of the application of
Jeff Gibson, et al., for identification as Mississippi
Choctaws, M.C.R. 3303.

--o--

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Jeff Gibson, et al.,
for identification as Mississippi Choctaws, M.C.R. 3303.

--: I N D E X :--

	(Page)
Original application of Jeff Gibson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Certificate of birth of Amy Gibson-----	6
Testimony of Big Wiley Johnson taken at Muskogee, Indian Territory, July 5, 1902-----	7
Decision of the Commission identifying the ap- plicants herein as Mississippi Choctaws-----	11

---o---

mea 3303

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 20, 1901.

In the matter of the application of Jeff Gibson for the identification of himself, his wife and three minor children as Mississippi Choctaws.

Jeff Gibson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- (Through Big Wiley Johnson, duly sworn Choctaw Interpreter)
- Q What is your name? A Jeff Gibson.
- Q How old are you? A Twenty eight.
- Q What is your post office address? A Hickory, Mississippi.
- Q How long have you lived there? A All my life in Newton County.
- Q What is your father's name? A William Gibson.
- Q Is he living? A No, dead long time.
- Q Was he a full blood? A Yes.
- Q Is your mother living? A Dead
- Q What was her name? A Becky.
- Q Full blood Choctaw? A Yes.
- Q Are you a full blood Choctaw? A Yes.
- Q You claim through both your father and mother? A Yes.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No
- Q Did your father have any Indian name? A Don't know it.
- Q Did your mother have any Indian name? A Don't know it.
- Q Are you married? A Yes.
- Q What is your wife's name? A Lucy.
- Q Is she a full blood Choctaw Indian? A Yes.
- Q How old is she? A Think little older than me--about twenty nine.
- Q What is her father's name? A John Lewis.
- Q Is he living? A Dead.
- Q Full blood Choctaw Indian? A Yes.
- Q Has he an Indian name? A Yes.
- Q Do you know his Indian name? A No.
- Q What is your wife's mother's name? A Martha.
- Q Is she a full blood Choctaw Indian? A Yes.
- Q Is she living? A Yes.
- Q Do you know whether Martha Lewis has been before the Commission?
- A I think two years ago.
- Q She has not been before the Commission this year? A No.
- Q Do you remember Martha's Indian name? A No.
- Q Have Lucy's father and mother ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
- Q Have you any children you want to make application for? A Three.
- Q What is the name of the oldest? A William.
- Q Is that a boy? A Yes.
- Q How old is William? A Six.
- Q What is the next? A Ellis.

Jeff Gibson----2.

- Q How old is Ellis? A Four years old.
Q Any other? A Snowden.
Q How old is Snowden? A Two years old.
Q That is a boy? A Yes.
Q When was he born? A July 20, 1899.
Q Is Lucy the mother of these children? A Yes.
Q You are the father? A Yes.
Q These children are living with you at your home? A Yes.
Q How were you married to your wife--under a license? A No, Choctaw custom.
Q Is your name the name of your wife or any of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Did you or any one for you or for your wife or minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.
Q Did you or your wife or your children or any one for them in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
Q Have you or your wife or Children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
Q Have you ever made application before this for yourself, your wife and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities, or the United States authorities? A Made application two years ago.
Q Where? A Decatur.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 10, 1899, and made application for the identification of himself, his wife Lucy and two minor children William and Ellis as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 378, also upon page 86 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi and claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 1345, 1346, 1347 and 1348 thereon.

- Q Snowden was born since you appeared two years ago? A Yes.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and children under the provisions of article fourteen of the treaty of 1830? A Don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a

Jeff Gibson----3.

new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to go to the new country west of the Mississippi river and preferred to stay in Mississippi, and for the benefit of this class of Indians, the fourteenth article was put into this treaty. That fourteenth article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article? A Yes.
Q Did any of your ancestors or your wife's ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Don't know.
Q Were any of your Choctaw ancestors or your wife's ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Don't know.
Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians at that time? A No.

(Through Isham Johnston, official interpreter)

- Q Did any of your ancestors or your wife's ancestors own any improvements on land in Mississippi or Alabama in 1830 or previous to that time? A Don't know.
Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A Don't know.
Q Were any of your Choctaw ancestors or your wife's Choctaw ancestors ever in the Indian Territory? A Don't know.
Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A Don't know.
Q Did any of your ancestors or your wife's ancestors ever claim any benefits under any other article of the treaty of 1830 than the fourteenth article or under the supplement of that treaty? A Don't know.

3

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of these Choctaw Indians who might desire to remain and become citizens of the

Jeff Gibson----4.

states. The records of the government show that this agent failed to record and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi, and take land under the fourteenth article. On this account, the government in many instances at its public land sales in Mississippi sold land upon which Choctaws had improvements and which they desired reserved for them under article fourteen of the treaty of 1830. This action of the government caused many complaints by the Choctaws, and finally the matter was brought to the attention of Congress, and Congress passed an act, approved March 3rd, 1837, providing for the appointment of a Commission, whose duty it should be to go to Mississippi, and hear Choctaw claimants who claimed that they had complied with article fourteen, but who had been deprived of their land. In 1842, by another act, Congress provided for another similar Commission.

Q Did any of your ancestors or your wife's ancestors appear before either the Commission appointed under the act of Congress approved March 3, 1837, or the Commission appointed under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Don't know

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all of the provisions of the fourteenth article of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him; those certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors ever receive any scrip under this act of Congress? A Don't know.

Q So far as you know were any of your ancestors or your wife's ancestors ever recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830? A Don't know.

Q Did any of your ancestors receive any benefits as Choctaw Indians such as land, money or scrip from the government? A Don't know.

Q Have you any witnesses that you would like to introduce before the Commission in support of this claim? A Not hear today.

Q Have you any documentary evidence that you want to introduce now in support of this claim? A No.

You will be allowed a reasonable time in which to offer written evidence in support of this application. The Commission will be glad to have you offer such written evidence as you may see fit to submit within a period of thirty days, if you can do so. If you should see fit to bring or send witnesses before the Commission to testify in your behalf, they may appear before the Commission at Meridian, Mississippi, and we will take their testimony in support of your application.

Q Any further statements you want to make in support of this application? A No.

This applicant has the appearance and all characteristics of a

Jeff Gibson-----5.

Full blood Choctaw Indian. He does not understand a word of English, his examination having been conducted through the medium of sworn Choctaw interpreters. He has no knowledge of any compliance on the part of his ancestors or his wife's ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of August 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me At Meridian, Mississippi, this 27th day of August, 1901.

[Signature]

Notary Public.

MISSISSIPPI CHOCTAW. R#3363

Acting Chairman.

The within application is accepted as evidence of the birth of the within child and is to be filed with and made a part of the original application of the parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

M.C.R. 3303

(Commissioner)

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Approved,

FOR IDENTIFICATION AS MISSISSIPPI CHOCTAW

MISSISSIPPI CHOCTAW.

Amy Burton

INFANT CHILD

Application for Enrollment of
Admission
IN RE

FOR IDENTIFICATION AS MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 3 1902

ACTING CHAIRMAN.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for Enrollment of

INFANT CHILD

Amy Gibson.

is a citizen of

MISSISSIPPI CHOCTAW.

Approved,

190.

FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAW

Commissioner.

M.C.R. 3303.

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its ENROLLMENT as a citizen of the Choctaw Nation.

[Signature]
Acting Chairman.

MISSISSIPPI CHOCTAW. *R. 3363*

ACTING CHAIRMAN

APR 8 1902
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES.
DEPARTMENT OF THE INTERIOR

M. C. R. 3303.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Miss Choctaw Nation,
of Amy Gibson, born on the 10 day of December, 1901
(Insert name of child)
Name of Father: Jeff Gibson, a citizen of the Miss Choctaw Nation.
Name of Mother: Lucy Gibson, a citizen of the Miss Choctaw Nation.
Post-office, Hickory Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
State of Mississippi District, }
County of Newton

I, Lucy Gibson, on oath state that I am 26
years of age and a citizen, by Blood, of the Miss Choctaw Nation;
that I am the lawful wife of Jeff Gibson, who is a citizen, by
Blood, of the Miss Choctaw Nation, that a Female child was
(male or female)
born to me on the 10 day of December, 1901; that said child has been
named Amy Gibson and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Subscribed and sworn to before me this

1 day of March, 1902

J. W. Cross a Notary Public
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
State of Mississippi District, }
County of Newton

I, Jeff Gibson, a mid. wife, on oath state that I
attended on Mrs. Lucy Gibson, wife of Jeff Gibson,
on the 10 day of December, 1901; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Amy Gibson

WITNESSES TO MARK

(Must be Two
Witnesses)

Subscribed and sworn to before me this

6 day of Feb, 1902

J. W. Cross a Notary Public
NOTARY PUBLIC.

M C R 3303
" 3301
" 3509
" 3491
" 2535
" 4043

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Luskogee, Indian Territory, July 5th, 1902.

In the matter of the application of Jeff Gibson for the identification of himself, his wife Lucy, and his three minor children, William, Ellis and Snowdon Gibson, as Mississippi Choctaws, M.C.R.3303.

In the matter of the application of Willie Gibson for the identification of himself and his wife, Mollie Gibson, as Mississippi Choctaws, M.C.R.3301.

In the matter of the application of Emnie Gibson for the identification of herself and her minor child, Sallie Gibson, as Mississippi Choctaws, M.C.R.3509.

In the matter of the application of Alex Gibson for the identification of his sister Leona Gibson as a Mississippi Choctaw, M.C.R.3491.

In the matter of the application of Alex Gibson for the identification of himself as a Mississippi Choctaw, M.C.R.2535.

In the matter of the application of Bard Gibson for the identification of himself, his wife Susanna and his minor children, Lela and Nina Gibson, as Mississippi Choctaws, M.C.R.4043.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself, your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A Yes.
Q Are you acquainted with a Choctaw Indian by the name of Jeff Gibson? A Yes sir.
Q About how old is he? A I couldn't tell about how old.

Jeff Gibson, et al--2

- Q Is he over twenty-one? A Yes, over.
Q Where does he live? A Lives close by me.
Q Near Hickory, Mississippi? A Yes.
Q How long have you known him? A All his life.
Q What is the name of his father? A William Gibson.
Q Is he living? A No, dead long time.
Q What is the name of his mother? A I can't think of Indian name.
Q What is the English name? A Becky.
Q Is she living? A No dead.
Q Were they both full blood Choctaw Indians? A Yes, full blood.
Q What was Jeff's father's father's name--what was William Gibson's father's name? A Tah-nuckee.
Q Is he living? A No, dead long time.
Q Do you know his mother, Becky's, father's and mother's names? A No, I don't know that.
Q Is Jeff Gibson married? A Yes.
Q What is the name of his wife? A Lucy.
Q Do you know what Lucy's father's and mother's names are? A Yes, her daddy's name John Lewis.
Q Is he living? A No, dead.
Q Did he have an Indian name? A No sir.
Q What was Lucy's mother's name? A Martha.
Q Did she have an Indian name? A No.
Q Do you know anything about Lucy's grandparents' names? A They come from Mogalush--I don't know about them.
Q Do you know anything about the names of the father and mother of Tah-nuckee? A No.
Q Tah-nuckee, then, is as far back as you know anything about the parentage of Jeff Gibson? A That's all I know.
Q Has Jeff Gibson any relatives who have been before this Commission for identification as Mississippi Choctaws? A Yes.
Q What are their names? A Walter Gibson, his half brother.
Q Is Walter Gibson a son of William Gibson? A Yes.
Q Walter Gibson and Jeff have the same father but different mothers? A Yes.
Q Are there any other relatives of Jeff who have been before the Commission? A Yes, Alex Gibson, appear for his sister Leona; they are full brother and sister.
Q Are they ~~half~~ half brother and sister of Jeff Gibson? A Yes.

Reference is made to Mississippi Choctaw cases M.C.R. 3491, Leona Gibson, and M.C.R. 2535 Alex Gibson.

- Q Do you know anything about the parentage of the Martha Gibson who was the wife of William Gibson and the mother of Alex and Leona Gibson--what were Alex' mother's father's and mother's names? A Hillatubbe was Martha's father's name.
Q Do you know whether Hillatubbe ever received any benefits from the United States Government as a Choctaw Indian under article 14 of the treaty of 1830, or not? A No, I never heard. He was an old man.
Do you know the names of any of Hillatubbe's relatives--any of his brothers or sisters? A I can't think of it--all by himself when he die--he was an old man when he died, when I was a boy.

Jeff Gibson, et al--3

The records in the possession of the Commission, giving the lists of Choctaw Indians, beneficiaries under article fourteen of the treaty between the United States Government and the Choctaw Tribe of Indians, concluded September 27, 1830, examined, and the name of Hillatubbe is found in Volume 1, page 529, Claimants brief and evidence in the case of the Choctaw Nation vs. United States, No. 12742, Court No. 45, in a list of 46 cases fully adjudicated by Commissioners Tyler, Gaines and Rush, on the 30th of May, 1845, Hillatubbe appearing as a person dead at that date. The name of Hillatubbe is also found in a list of names of Choctaws to whom scrip was issued under the 14th article of the treaty of Dancing Rabbit Creek, prepared by the Indian Office and in the possession of the Commission,
" X X V 1 " .

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Q Is there anything further you can say about the ancestors of Martha who was the wife of William Gibson and the mother of Alex and Leona Gibson--do you know anything about him, other than he was an old man when he died? A He died when I was a boy.

Q Do you know whether he ever received any land or scrip from the United States Government under article fourteen? A I never heard about that.

Q Were you old enough to recollect whether he lived upon any land or did he have a farm or improvement? A No, he didn't have no land.

Q Do you know where he lived when he died? A Yes, he lived in Newton County but he got so sick way back in Scott County and he come down there to get well and he go get gun and kill himself.

Q Do you know a Choctaw Indian by the name of Bard Gibson? A Yes sir.

Q Where does he live? A Live in Conehatta.

Q What relation, is he, if any, to Alex and Leona Gibson? A Brother and sister.

Q Full brother and sister? A Yes.

Q Same father and same mother? A Yes.

Q He has been before the Commission and applied for identification as a Mississippi Choctaw, has he? A Yes.

Q Has William Gibson any other children by his wife Martha or by any other of his wives than you have already testified about? A I don't know--I never heard--he never told me about that.

Q You have testified about all the names of the children of William Gibson that you know? A Yes, that's all I know.

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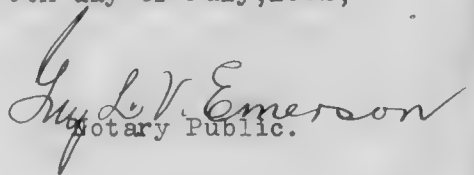
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing

Jeff Gibson, et al---4

ing is a full, true and correct transcript of his stenographic notes
taken in said proceedings on said date.



Subscribed and sworn to before me this the 9th day of July, 1902,
at Muskogee, Indian Territory.



Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---c---

In the matter of the application of Jeff Gibson, et al.,
for identification as Mississippi Choctaws, M.C.R. 3303.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on August 20, 1901, by Jeff Gibson for himself, his wife, Lucy Gibson, and his three minor children, William, Ellis, and Snowdon Gibson, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears that since the date of the making of the original application there was born to Jeff Gibson and his wife, Lucy Gibson, a child named Amy Gibson.

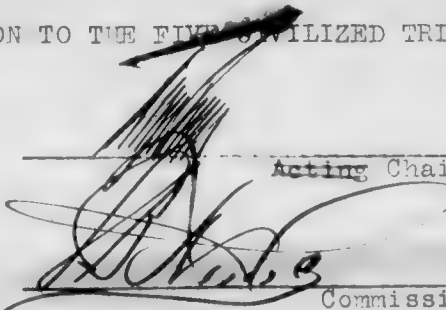
From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Jeff Gibson, Lucy Gibson, William Gibson, Ellis Gibson, Snowden Gibson and Amy Gibson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 26 1903

M C R
3300-3302-3343
3123-3301-3303

Muskogee, Indian Territory, April 4, 1903.

W. H. Callaway,

Missary, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th
ultimo, advising change of post office address to Starrett, Indian
Territory, of the following Mississippi Cheaters:

Big Wiley Johnson	M C R 3300
Wiley Johnson	M C R 1960
Tom Williamson	M C R 2454
Sam Lewis	M C R 3471
Sam Gibson	M C R 3306
Lewis Gibson	M C R 3431
Bob Johnson	M C R 1306
Sam Gilmore	M C R 1302
Jim Brummett	M C R 3343
John Jack	M C R 3126
Willie Gibson	M C R 3301
Jeff Gibson	M C R 3303
Maude Gibson	M C R 3309
Sam Gilmore	M C R 3300
Charley Lewis	M C R 1943
Lee Thompson	M C R 3119
Sam Willie	M C R 1109
Henry Jackson	M C R 2455

You are advised that a proper record has been made in
the matter.

Respectfully,

Commissioner in Charge.

M.O.R. 5303.

COPY.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Jeff Gibson, his wife, Lucy Gibson, and his minor children, William Gibson, Ellis Gibson, Snowden Gibson and Amy Gibson, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jeff Gibson, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tamm Dixby,
Chairman.

Registered.
Enc.: 3303.

COPY.

M C R 3303

Muskogee, Indian Territory, May 6, 1903.

Jeff Gibson;

Care Big Wiley Johnson,

Starrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife Lucy Gibson and minor children William Gibson, Ella Gibson, Snowden Gibson, and Amy Gibson as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Register.

Jame Bixby.

Enc. 3303

Chairman.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE
Identification
Application for Enrollment of

INFANT CHILD

Snowden Gibson.

IN RE

MISSISSIPPI CHOCTAW

FOR IDENTIFICATION
AS A MISSISSIPPI CHOCTAW

Approved,

190

Commissioner.

The Miss Cho Card Filed No. 378.

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

[Signature]
Acting Chairman.

MISSISSIPPI CHOCTAW 378

3303

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 23 1901

ACTING CHAIRMAN

See Miss Choc Card Field No 378.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification
IN RE Application for *Identification*, as a *MISSISSIPPI CHOCTAW*.
of *Snowden Gibson*, born on the *20th* day of *July*, 1899.
(Here insert name of child)
Name of Father: *Jeff Gibson*, a *MISSISSIPPI CHOCTAW*.
Name of Mother: *Lucy Gibson*, a *MISSISSIPPI CHOCTAW*.
Post office: *Hickory miss*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi
County of Newton

I, *Lucy Gibson*, on oath state that I am *29*
years of age and a *Full Blood Choctaw Indian*;
that I am the lawful wife of *Jeff Gibson*, who is a *Full Blood Choctaw Indian* Nation, that a *male* child was
(male or female)
born to me on the *20th* day of *July*, 1899; that said child has been
named *Snowden Gibson*, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Subscribed and sworn to before me this *26* day of *Aug*, 1901.

J. H. Cross
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi
County of Newton

I, *Maggie Lewis*, a *midwife*, on oath state that I
attended on Mrs. *Lucy Gibson*, wife of *Jeff Gibson*,
on the *20th* day of *July*, 1899; that there was born to her on
said date a *male* child; that said child is now living and is said to have been
(male or female)
named *Snowden Gibson*.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this *26* day of *Aug*, 1901.

J. H. Cross
NOTARY PUBLIC.

#1303

No. 3203

For Identification as a Mississippi Choctaw.

Date

AUG 20 1901

Name Jeff Gibson

Age 28

Blood f. b.

Post Office, Hickory, Miss

Father: William Gibson, f. b. d.

Mother: Becky " f. b. d.

Claims through both parents,
wife.Lucy f. b.
father - John Lewis, f. b. d.
mother - Martha " f. b. d.

Children:

William Gibson	6
Ellis "	4
Snowdon "	2

Claims for self
wife and childrenSee M. C. filed No.
378 -

Stenographer H. C. Risteen

No. 3303

For Identification as a Mississippi Choctaw.

Name *Jeff Gibson* Date *7/5*

Age _____ Blood _____

Post-Office, _____

Father: _____

Mother: _____

Claims through

*Additional testimony
of Big Wiley Johnson*

Children: _____

Stenographer

S. S. Miller

DEPARTMENT OF THE INTERIOR

OFFICE OF

ASSISTANT SECRETARY FOR THE LIVE CIVILIZED TRIBE

INDIAN AFFAIRS

THIS IS TO CERTIFY THAT I AM THE OFFICIAL IN CHARGE OF THE
BUREAU OF THE INDIAN AFFAIRS AND I HAVE RECEIVED FROM
THE INDIAN AGENT AT THE RESERVATION OF THE
CHOCOTAW TRIBE A CERTIFICATE OF THE
FOLLOWING CONTENTS:

MISS. CHOCTAW

DEED CARD NO. 521

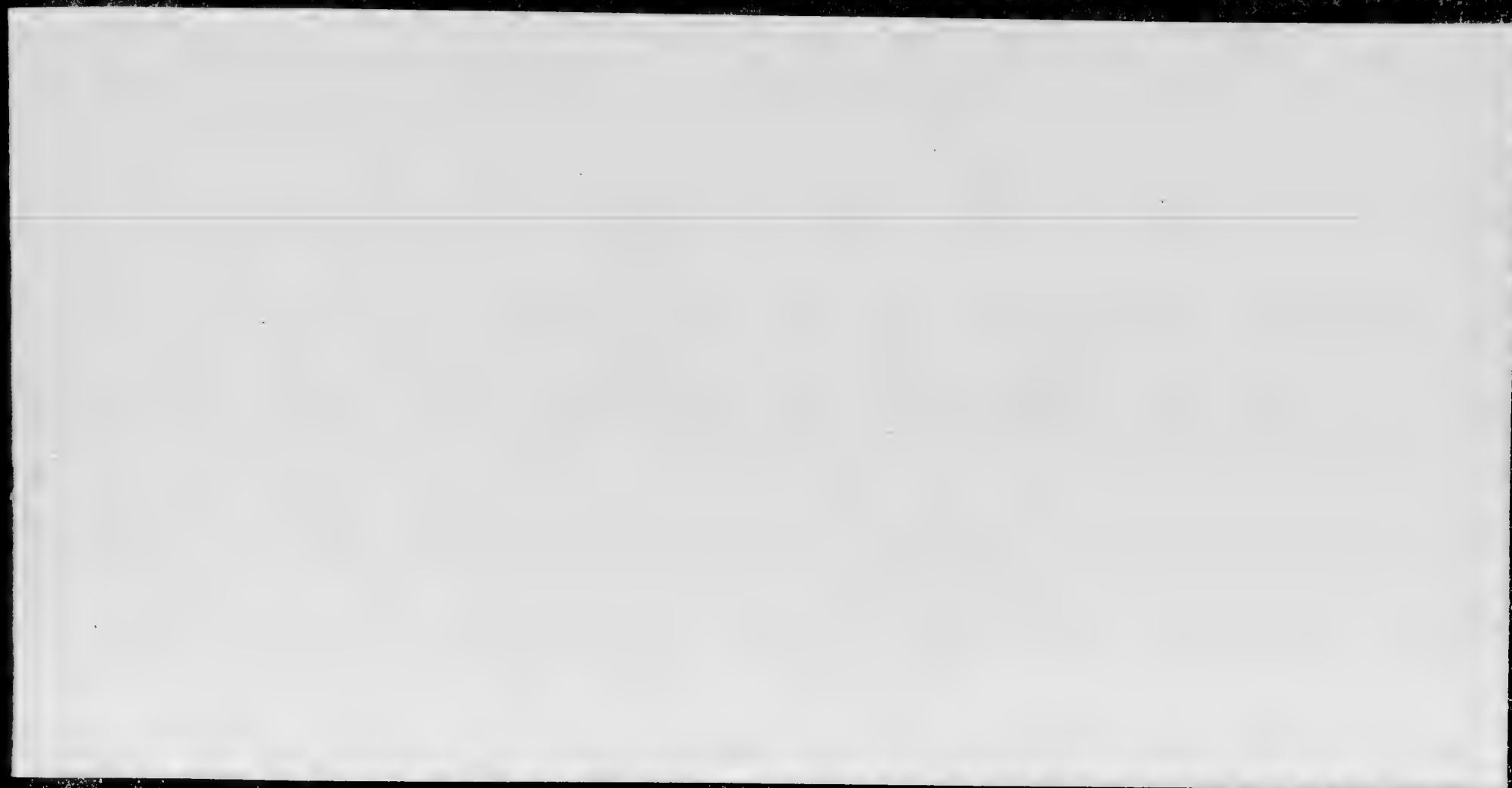
GABE L. PARKER, Superintendent,

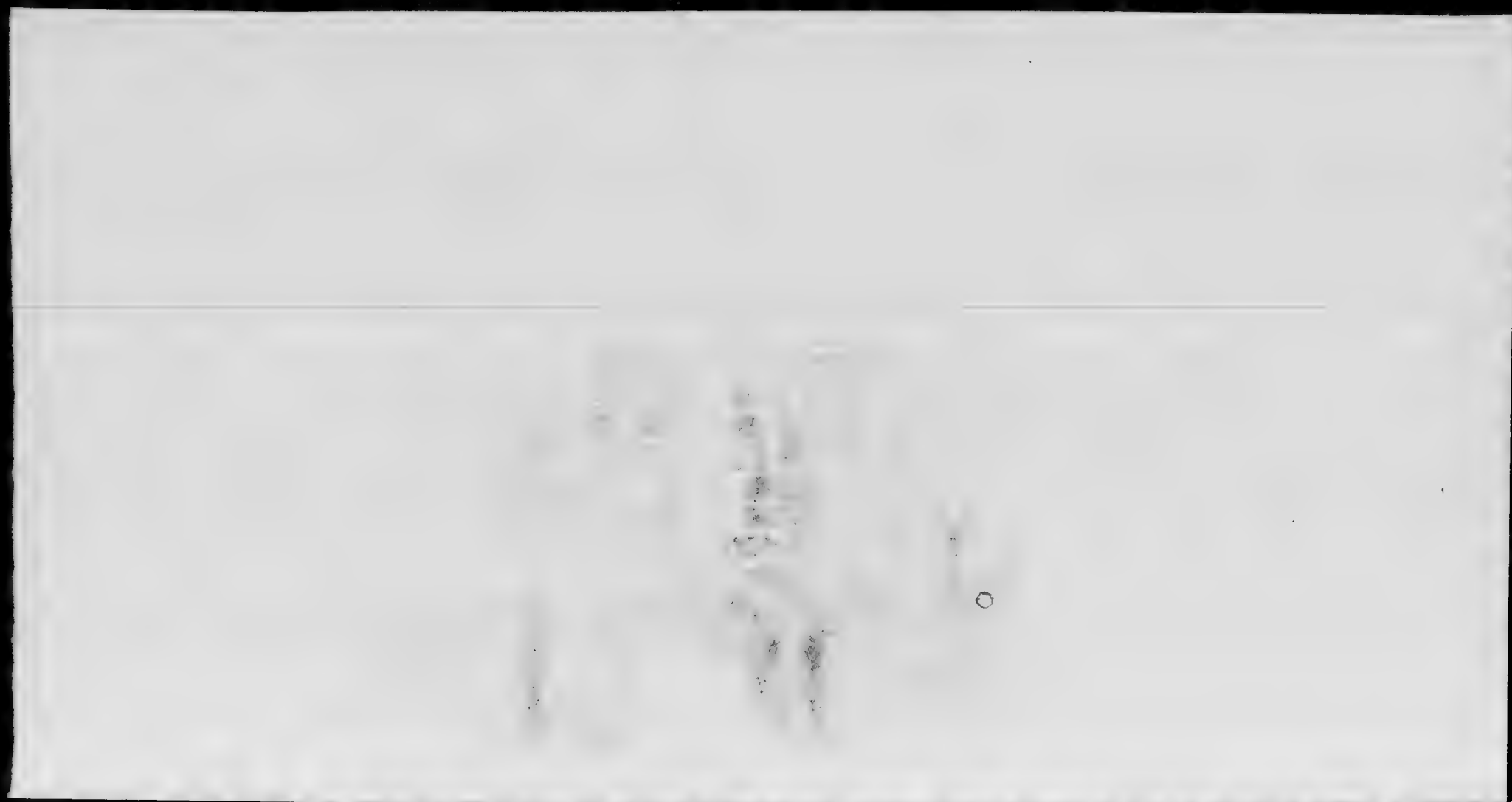
by *W. A. Magell*

CHOCOTAW

gop MAY 12 1897

3303





Off Gibson, et al.

IDENTIFIED

R. 3303

COPIES RENDERED AP 11 1913

RECEIVED DEPT. OF JUSTICE
ANTHROPOLOGICAL DIVISION
WASHINGTON, D. C.

COPY OF BILL MAY 6 1913

Dr. Stewart I. J.
San Diego, Cal.

Choctaw MCR 3304

Soloman Stoliby

MCR 3304

7

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Solomon Stoliby, et al.,
for identification as Mississippi Choctaws.

---o---

Herein is the record in the matter of the application of
Solomon Stoliby, et al., for identification as Mississipp-
pi Choctaws, M.C.R. 3304.

--o--

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Solomon Stoliby, et al.,
for identification as Mississippi Choctaws, M.C.R. 3304.

--: I N D E X :--

	(Page)
Original application of Solomon Stoliby, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying the ap- plicants herein as Mississippi Choctaws-----	8

-----o-----

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 20, 1901.

In the matter of the application of Solomon Steliby for the identification of himself, his wife and five minor children as Mississippi Choctaws.

Solomon Steliby, having been first duly sworn, upon his oath states as follows: (Isham Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Solomon Steliby.
Q How old are you? A Thirty one.
Q What is your post office address? A Gip, Mississippi.
Q What county? A Leake County.
Q How long have you lived in Leake County, Mississippi?
A Always; all my life.
Q Never have been to the Indian Territory? A Never was anywhere else but there.
Q Is your father living? A No sir.
Q What was his name? A Bill Stoliby.
Q Did he have a Choctaw name? A I don't know nothing about it; I don't know whether he is or not.
Q How long has he been dead? A Ever since I was a little child; I don't remember.
Q How old was he when he died? A I don't know; I was a little kid, I think.
Q Is your mother living? A Yes sir.
Q What is her name? A Lucy.
Q How old is your mother? A I reckon about fifty.
Q Has she always lived here in Mississippi? A Yes, all her life.
Q Did your father always live here during his life? A Yes sir.
Q Did any of your people ever go out to the Choctaw Nation, Indian Territory? A No.
Q How much Choctaw blood did your father have? A Full blood.
Q Is your mother a full blood? A Yes.
Q You claim to be a full blood Choctaw? A Yes.
Q Do you know the names of any of your grand parents? A No sir.
Q You don't know your mother's father or mother's name? A No.
Q Or your father's father or mother? A No sir.
Q Did you ever see any of them? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Missouri.
Q How long have you been married to her? A Been married about three years ago.
Q Married under a license or according to the Choctaw custom? A Ch Choctaw custom.
Q Do you want to make application for your wife? A Yes sir.
Q How old is she? A She is forty years old.
Q You are living with her at this time, are you? A Yes sir.
Q Has she always lived in Mississippi? A Yes sir.
Q Is her father living? A No sir.
Q What was his name? A I don't know.

Solomon Stoliby, et al., 2.

- Q Is your wife's mother living? A No sir.
- Q How long has she been dead? A I don't know, been long years ago.
- Q What was her name? A I don't know.
- Q Don't know either of your wife's parent's names? A No sir.
- Q Did they always live in Mississippi, do you know? A Yes.
- Q How much Indian blood do you claim your wife has? A Full blood.
- Q Full blood Choctaw? A Yes.
- Q So far as you know, all of her ancestors have been full blood Choctaws, have they? A Yes.
- Q And they have always lived in Mississippi? A Yes.
- Q Do you know the names of any of your wife's grand parents? A No sir.
- Q You don't know the names of a single one of your wife's ancestors? A No sir, I don't know nothing about them.
- Q Have you ever been married more than once? A No sir.
- Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A Yes, my wife's children; she want to put in application.
- Q By a former husband? A Yes sir.
- Q How many of these children? A Five.
- Q What are their names and ages? A Oldest boy is seventeen years old.
- Q What is his name? A Bob Allen.
- Q The next one? A Allie Allen.
- Q How old is Allie? A Fifteen.
- Q The next one? A Joe.
- Q How old is Joe? A Thirteen.
- Q The next one? A Lacy.
- Q That's a boy, is it? A Yes.
- Q How old is he? A He is ten and a half.
- Q The next one? A Willis.
- Q How old? A Five.
- Q Is that all? A That's all.
- Q These children are all living with you now? A Yes.
- Q And your wife, ~~Missouri~~ Missouri, is the mother of all five of them? A Yes.
- Q What is the name of their father? A Kit Allen. He is dead.
- Q He is the father of all five of them? A Yes sir.
- Q Did he have any Choctaw blood? A Yes, full blood, ~~Choctaw~~.
- Q How long has he been dead? A Been dead about five years, I reckon.
- Q Where did he live? A Lived in Oklahoma, close by.
- Q In Leake County? A Yes.
- Q Well, now, was Missouri married to Kit Allen under a license or according to the Choctaw custom? A Choctaw law.
- Q You have no children by Missouri, yourself? A No.
- Q This application then is for yourself, your wife and five minor step children? A Yes sir.
- Q Is your name, your wife's name, or the name of any one of these children on any of the Choctaw tribal rolls out in Indian Territory? A How was that?
- Q Is your name, your wife's name, or the name of any one of these children on any of the Choctaw tribal rolls in Indian Territory? A I don't understand much I reckon.
- Q By the tribal rolls, I mean rolls of lists of the names of Indians - Choctaw Indians - who belong to the Choctaw tribe out there.

Solomon Steliby, et al., 3.

Q in the Territory. I want to know if you know whether your name, or your wife's name, or the name of any one of these children are on the rolls out there, made by the Choctaws themselves; not what the Commission has made, but rolls that the Choctaws have made up themselves? A I don't know.

Q Did you ever make application for yourself, your wife, or any of these children to the Choctaw tribal authorities in Indian Territory, to be enrolled or admitted as members of the tribe, or has anyone ever made such an application in behalf of any one of you? A No sir.

Q Did you, or any one for you, or your wife, or any one for her, in the year 1896, that's five years ago, make application to the Commission the Five Civilized Tribes, that's this commission, for citizenship in the Choctaw nation, in Indian Territory? A No sir, I don't know whether my wife did or not.

Q You were not living with her at that time? A No, I just married three years ago.

Q Did you ever hear her say whether she made an application then or not? A No sir.

Q She likely would have told you about it, if she had, wouldn't she: don't you think she would have told you if she had? A Yes, but I never thought about that.

Q So far as you knew, neither you nor your wife, nor any of these children have ever been admitted to citizenship in the Choctaw Nation in Indian Territory? A No sir.

Q Do you appear before the Commission at this time for the purpose of making application - of claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Not much.

I will try to explain it to you.

A Yes, I think I need somebody to explain it for me, so I can understand.

The treaty of Dancing Rabbit Creek was made at Dancing Rabbit Creek, here in Mississippi, on the 27th Day of September, 1830, nearly seventy years ago, between the United States Government and the Choctaw Indians. At the time this treaty was made, the Choctaws lived here in Mississippi, and over in the edge of Alabama, all of them nearly; and the object of the treaty was to get the Choctaws to move out west to the new country, that they now have. At the time the treaty was made, some of them didn't want to go out there, but they preferred to stay here in Mississippi; they said they must have a provision in the treaty that would permit them to stay here, so the 14th article was put in the treaty for the benefit of those who wanted to stay here, so they might stay here if they wanted to and get land and become citizens of the States. The 14th article is as follows:

Solomon Stoliby, et al., 4.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now, I have quoted you that 14th article; that was made here - as I say, that treaty was made here seventy one years ago nearly, and that 14th article referred to people who were living here then; Choctaws who were living here then, zseventy one years ago; and it says that if a Choctaw head of a family doesn't want to go out to the new country west of the Mississippi, he can stay here and get land and become a citizen of the States by doing certain things. The first thing he must do, he must, within six months from the time this treaty between the United States and the Choctaws is ratified, that is - ratified, means finally agreed to - he must tell the agent, or let him know that he did want to stay here. This treaty was ratified on the 24th day of February 1831, so he must have told the agent within six months from that time, that he wanted to become a citizen of the States and take land and after he had told the agent that he did want to stay here, the Choctaw head of a family was entitled to a reservation of one full section of land, six hundred and forty acres; in other words, a piece of land one mile square. If he had a child in his family over ten years of age, that child was entitled to three hundred and twenty acres, just half as much as his father or mother; and that land of the child must adjoin the land of the father or mother; and if he had a child in his family under ten years of age, that child was entitled to one hundred and sixty acres of land, or a quarter section, and must adjoin the father's land too. Now if that Choctaw lived on his land for five years from February 24, 1831, the day the treaty was ratified, he was entitled to a grant in fee simple; that is, he was entitled to a deed to the land - the Government would give him a deed to it, and he could sell it or dispose of it anyway he wanted to. The records of the Government show that a great many of the Choctaws got land right around here in these counties in

Solomon Stoliby, et al., 5.

Mississippi a long time ago, and some of them still own that land, but the most of them have sold it, or the descendants have sold it as they came along. Now, the last clause of this article is, ~~as~~ persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity. That means that those people who stayed here seventy years ago and over, and took advantage of this 14th article, and got land from the Government and lived on it for five years and then got a deed in fee simple, got a patent to it, they should not, by having gotten this land, back here, be deprived of the privilege of a Choctaw citizen, but if they ever wanted to move out to the new country, they should be entitled to any portion of the Choctaw annuity.

Q Do you think you understand that pretty well? A Not much.

Q Did any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Kit Allen, ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A I don't know anything about it.

Q Do you know the names of any of the ancestors of Kit Allen?

A No sir.

Q None of them? A No sir, not a thing.

Q Were any of your ancestors, you know what ancestors means? A No sir, I don't know.

Q Well, ancestors means old folks way back, parents, grand parents great grand parents. Were any of your ancestors, or any of the ancestors of Kit Allen, or any of the ancestors of your wife, living here in the old Choctaw nation, in Mississippi and Alabama, in 1830, when this treaty of Dancing Rabbit Creek was made? A I don't know nothing about that.

Q Were any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Kit Allen, recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Kit Allen, own an improvement here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.

Q Did any of ~~them~~ them, within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the Agent of the Government here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors, any of your wife's ancestors, or any of the ancestors of Kit Allen, ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know nothing about it.

Q Did you ever hear of any of your ancestors, or any of your wife's ancestors or any of the ancestors of Kit Allen getting any land from the Government? A No sir.

Q Did any of your ancestors, any of your wife's ancestors or any

Solomon Stoliby, et al., 6.

of the ancestors of Kit Allen, ever claim or receive any land from the Government here in Mississippi under the provisions of any other article of that treaty than the 14th article or under the supplement to that treaty? A No sir, never did.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register and report the names of all Choctaws who might desire to remain here in Mississippi and become citizens of the States and not go out west to the new country. The records of the Government show that that agent failed to record the names of many Indians who did in fact signify to him their intention to remain here and become citizens of the States. On this account the Government of the United States, at its public land sales, here in Mississippi, in many instances sold land upon which Indians had improvements and which they supposed they would receive from the Government under the provisions of article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act ~~was~~ which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed they had complied with the provisions of article 14 of the treaty, but that their land had been taken away by the Government. This commission was duly appointed by the president and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, they were unable to hear but a comparatively small number of these cases, so Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work; this second commission was duly appointed by the President and the commissioners came down here and heard a great many more of these Choctaw cases.

Q I want to know whether any of your ancestors, or any of your wife's ancestors, or any of the ancestors of this man, Kit Allen, ever appeared before either of these commissions and attempted to establish their rights under the 14th article of the treaty? A I don't know nothing about it.

Q So far as you know then, none of your ancestors or any of your wife's ancestors or the ancestors of Kit Allen have ever received any benefits whatever as Choctaw Indians? A I don't know.

Q Have you any witnesses before the Commission at this time that you want to introduce any witnesses that you want to bring before us - that you want us to examine? A No sir.

Q Do you know of any old person out in Leake County, or anywhere else who would be apt to know as to who your ancestors were and your wife's ancestors, and who the ancestors of this man, Kit Allen were,

Selemon Stoliby, et al., 7.

and would know the amount of Choctaw blood you had, and also whether any of your ancestors or any of the ancestors of Kit Allen, or any of the ancestors of your wife, ever complied or attempted to comply with the provisions of the 14th article of the treaty I have just explained to you, or ever received any benefits under that article? Do you know any old Indians who would know about that? A No sir. I reckon not.

Q Have you any written evidence you want to offer at this time, written evidence, statements, affidavits, or papers of any kind? A No sir.

You will be allowed a reasonable time in which to submit written evidence in support of your application or to bring or send witnesses before the Commission. If you see fit to bring or send any witnesses before the Commission here at Meridian, Mississippi, in the next thirty days, the Commission will hear their testimony in support of your application.

Q Are there any further statements you want to make; do you want to say anything further? A No sir.

Q Now have you any brothers living? A No sir.

Q Have you any sisters living? A No sir.

Q Did you ever have any brothers? A No sir.

Q Did you ever have any sisters? A No sir.

Q Has your wife any brothers living? A No sir.

Q Did she ever have any brothers? A Not as I know of.

Q Has your wife any sisters living? A No sir.

Q Did she ever have any sisters? A No sir.

Q Has Kit Allen any brothers? A No sir.

Q How many? A One.

Q What is his name? A Sweeney.

Q Sweeney what? A Boley.

Q Did he ever have any other brothers? A I don't know that he has.

Q Did he ever have any sisters? A I don't know.

(This applicant has the appearance of being a full blood Indian: he speaks and understands the Choctaw language and also speaks and understands English fairly well, the examination having been conducted almost entirely in English.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on August 20th, 1901, and that the foregoing is a full, true and correct translation of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.

R. S. Streit

[Signature]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Carthage, Mississippi, May 8, 1901.

In the matter of the application of Sweeney Boley for
the identification of himself and his wife as Mississippi Choctaws.

Sweeney Boley, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sweeney Boley.
Q What is your age? A 53.
Q What is your post office address? A Jessie, Mississippi/
Q Have you always lived in Mississippi? A Yes, in Leake County.
Q What is your father's name? A I don't know; been dead long time.
Q Full blood was he? A Yes.
Q What is your mother's name? A Holey.
Q Is she dead? A Yes.
Q Full blood? A Yes.
Q Are you a full blood? A Yes.
Q Claim through both father and mother? A Yes.
Q Are you married? A Yes.
Q What is your wife's name? A Eliza.
Q Full blood? A Yes.
Q Is she living? A Yes.
Q How old is she? A 53.
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.
Q You make application for your wife, do you? A Yes.
Q What is your wife's father's name? A I don't know.
Q Full blood? A Yes.
Q Dead or living? A Living.
Q What is your wife's mother's name? A I don't know.
Q Full blood? A Yes; I reckon.
Q Living? A Yes.
Q She claims to be a full blood through both her parents? A Yes.
Q Have your wife's parents, through whom you claim for her the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians either by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Have you any children? A Grand children.
Q Do you want to make application for them? A No.
Q Are their father and mother dead? A Yes.
Q Do they live with you? A Yes.
Q How many? A Two.
Q What is the name? A Emma Joshua and Bepay.
Q What is Bepay's father's name? A Comby Silmon.
Q Is he a full blood? A Yes.
Q Is he dead? A Yes.
Q Is Emma Joshua a full blood? A Yes.
Q How was she the mother of Bepay? A Bepay.

Sweeney Deley, et al., #2.

- Q Full blood? A Yes.
- Q Is Emsey a full blood? A Yes.
- Q Is Emsey a brother of Emma? A No.
- Q What relation is Emsey to you? A I am the uncle.
- Q Are you taking care of him? A Yes.
- Q He is a full blood? A Yes.
- Q And lives at your house? A Yes.
- Q And he claims to be a full blood through his father and mother who were full bloods? A Yes.
- Q Is Emsey's name on any of the tribal rolls of the Choctaw Nation? A No.
- Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for Emsey? A No.
- Q How old is Emma? A Twelve I believe.
- Q Who is the father of Emma? A Hampton Joshua.
- Q Was he a full blood? A Yes.
- Q Is he dead? A Yes.
- Q Who was the mother of Emma? A Hoesy.
- Q What relation is Emma to you? A I am Emma's grand father.
- Q Is Emma living with you? A Yes.
- Q And you support Emma? A Yes.
- Q Is Emma's mother a full blood? A Yes.
- Q Is she dead? A Yes.
- Q Is your name, or the name of your wife, or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever made application for yourself, your wife, or this child Emma, to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.
- Q Did you, or anyone for you, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself, your wife, Eliza, or for Emma and Emsey? A No sir.
- Q Have you, your wife, or Emma Joshua or Emsey Silmon, ever been admitted to citizenship in the Choctaw Nation, either by the Choctaw tribal authorities the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No.
- Q Have you ever made application before this time to either the Choctaw tribal authorities or to the authorities of the United States for yourself, your wife, for Emma Joshua or Emsey Silmon to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, two years ago.
- Q The records of the Commission show that on January 26, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife, and a grand child, Emily Hampton, whose name he now gives as Emma Joshua, for identification as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 68; also, upon page 43 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 253, 254 and 255, respectively, thereon.

Sweeney Bolay, et al., \$3.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself, your wife and for Emma Joshua and Emory Silment? A Yes.

Q Do you claim as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A Yes.

Q Have you ever received any benefits as Choctaw Indians, yourself, your wife, or these children? A No.

Q Have any of your ancestors, or the ancestors of your wife, or of these children ever received any benefits as Choctaw Indians? A No.

Q Do you know the name of your ancestors, or the ancestors of your wife or of these children who were residents of the old Choctaw Nation in Mississippi and Alabama in the year 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A No.

Q Have you any evidence that any of them were recognized members of the Choctaw tribe of Indians in 1830? A No, I don't know.

Q Did any of your ancestors, or the ancestors of your wife, or the ancestors of either of these children go from Mississippi or Alabama to the present Choctaw Nation in Indian Territory between the years 1830 and 1838, when the other Indians went there? A I don't know.

Q Do you know whether your ancestors, or the ancestors of your wife, or either of these children, within six months after the treaty of 1830 was ratified, told the United States Indian Agent that they would rather stay in Mississippi and take land here and become citizens of the United States and not go to the Territory? A I don't know.

Q Have your ancestors, or the ancestors of your wife, or either of these children ever claimed or received any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of 1830? A No.

Q Are there any additional statements that you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or other proper papers showing that any of your ancestors, or the ancestors of your wife or of these children were, in the year 1830, when the Treaty of Dancing Rabbit Creek was entered into, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the treaty of 1830, or ever received and benefits under that article of that treaty? A No.

(This applicant appears to be a full blood Choctaw Indian. He speaks English enough to give his evidence without an interpreter. He understands the Choctaw language.

The decision of the Commission as to the application made by you at this time for the identification of yourself, your wife and these two children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

Ex. 3. Being first duly sworn, says he can testify that the photograph is the same as the one taken at the hearing of the case of the State of Mississippi vs. John Edgar Hoover, and that the same was taken in a full, true and correct reproduction of his photographic notes of said proceedings upon said date.

R. S. Strick

Subscribed and sworn to before me at Meridian, Mississippi, this 15th day of June, 1901.

[Signature]
Notary Public.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Solomon Stoliby, et al.,
for identification as Mississippi Choctaws, M.C.R. 3304.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on August 20, 1901, by Solomon Stoliby for himself, his wife,
Missouri Stoliby, and his five minor step-children, Bob, Allie, Joe,
Lacy and Willis Allen, under the following provision of the act of
Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that all the applicants are full-blood Mississippi Choc-
taw Indians.

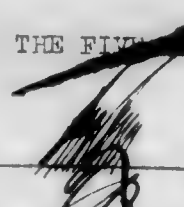
Section forty-one of the act of Congress entitled "An Act

To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Solomon Stoliby, Missouri Stoliby, Bob Allen, Allie Allen, Joe Allen, Lacy Allen and Willis Allen should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES/


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 APR 27 1903

COPY.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Solomon Stoliy his wife Missouri Stoliy and his five minor step-children Bob Allen, Allie Allen, Joe Allen, Lacy Allen and Willie Allen as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Solomon Stoliy, his wife and five minor children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

M C R 1304

COPY.

Muskogee, Indian Territory, May 3, 1903.

Salomon Stolley,

Sip, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife, Missouri Stolley, and five minor step-children, Bob Allen, Allie Allen, Joe Allen, Lacy Allen and Willie Allen, as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED,

Tame Bixby.
Chairman.

Registered.

Enc. 1304.

No. 3204

For Identification as a Mississippi Choctaw.

Date AUG 20 1901

Name Solomon Stoliby

Age 31 Blood full

Post Office, Gips, Miss

Father: Bill Stoliby d

Mother: Lucy " L.

Claims through both parents.

Wife Missouri Stoliby (full) 40 d
Father don't know d
mother wife claims through both parents.

Children:

Bob	Allen	17
Allie	"	(m) 15
Joe	"	13
Lacy	"	(M) 10 1/2
Willie	"	5

Father Kit Allen (full) (d)

(Claims for self, wife and
5 minor stepchildren)

Stenographer

R. S. Street

D.

Choctaw MCR 3305

Sam Joshua

MCR 3305

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Sam Joshua, et al.,
for identification as Mississippi Choctaws.

---O---

Herein is the record in the matter of the application of
Sam Joshua, et al., for identification as Mississippi
Choctaws, M.C.R. 3305.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Sam Joshua, et al.,
for identification as Mississippi Choctaws, M.C.R. 3305.

--: I N D E X :--

	(Page)
Original application of Sam Joshua, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying the ap- plicants herein as Mississippi Choctaws-----	7

---o---

ME 2305-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, August 20th, 1901.

In the matter of the application of Sam Joshua for the identification of himself, his wife and five minor children as Mississippi Choctaws:

Said Sam Joshua, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Sam Joshua.
Q What is your age? A Forty-nine.
Q What is your postoffice address? A Ofahoma, Mississippi.
Q In what County is that? A Leake.
Q How long have you lived in Leake County? A All my life.
Q Born there? A Yes.
Q What is your father's name? A Joshua.
Q Did he have an Indian name? A No.
Q Is he living or dead? A Dead, long time.
Q Was he a full blood Choctaw? A Yes.
Q What was your mother's name? A Liza.
Q Is she dead? A Dead.
Q Was she a full blood Choctaw? A Yes.
Q Are you a full blood Choctaw, too? A Yes.
Q Do you claim through your father and mother? A Yes.
Q Did your mother have an Indian name? A No, I don't know.
Q Always have the name Liza? A Yes.
Q When did your father die? A Don't know.
Q When did Liza die-your mother? A Don't know.
Q Do you know how old your father was when he died? A No.
Q Or your mother? A No.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory-what I mean is, did they ever go out to the Indian Territory and get enrolled out there? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Jane.
Q Is she a full blood Choctaw Indian? A Yes.
Q How old is Jane? A Thirty-nine.
Q What is your wife's father's name? A His name John Wilson.
Q Is he a full blood Choctaw Indian? A Yes.
Q Living or dead? A Dead.
Q What is your wife's mother's name? A Martha.
Q Full blood Choctaw Indian? A Yes.
Q Living or dead? A Living.
Q She claims her Choctaw blood through both her father and mother, does she? A Yes sir.
Q Has your wife's father and mother ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in Indian Territory-did they ever go out to the Territory and get enrolled out there? A No.
Q Have you children, that you want to make application for, under 21 years of age and unmarried? A Yes.
Q What are their names and ages? A Sillian Joshua.

Sam Joshua et al----2

- Q How old is Sillan? A Nineteen.
Q Have you any other children? A Yes.
Q What is the name? A Mollie.
Q How old is she? A Four years old.
Q Have you a little one named Eva? A Yes.
Q How old is she? A Two years old.
Q When was Eva born? A August 18th, 1899.
Q Is there another child in your house named Ollie Anderson? A Yes.
Q How old is Ollie Anderson? A About fourteen.
Q Is this a boy? A Yes.
Q What relation is Ollie Anderson to you? A Step-son.
Q Is your wife Jane the mother of Ollie Anderson? A Yes.
Q Who is his father? A His father named Bob Anderson.
Q Full blood? A Yes.
Q Is he living or dead? A Don't know. He lives away from here.
Q Were your father Joshua and your mother Liza married under a license and by a minister or according to the Choctaw custom?
A Don't know.
Q Were you married to your wife Jane according to Choctaw custom or under a license and by a minister? A Choctaw custom.
Q Was Bob Anderson married to your wife Jane according to Choctaw custom or under a license and by a minister? A Choctaw custom.
Q You have no license, then, have you? A No.
Q When and where were you married to your wife Jane? A Married in Leake County.
Q How long ago? A Six or seven years ago.
Q What is the name of the mother of Sillan Joshua? A Hoka.
Q Was she a full blood Indian? A Yes.
Q Was she the mother of Mollie? A No.
Q Jane is the mother of Mollie? A Yes.
Q She is a full blood? A Yes.
Q Jane, then, is the mother of Mollie and Eva? A Yes.
Q When did Hoka die? A About ten years ago.
Q Do you know whether her parents were ever recognized in any way or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in Indian Territory--did she ever go to the Territory or did her parents ever go there? A No.
Q Did she or her parents ever receive any land or money or scrip from the Government as Choctaw Indians? A Yes sir.
Q What did she ever receive from the Government? A I only heard them talk.
Q What did you hear them talk, that she got? A Land.
Q Do you know anything about it--where she got it? A No.
Q Did you ever see it? A No.
Q You never lived on it? A No.
Q You don't know much about that, then, do you? A No.
Q Did Bob Anderson ever have an Indian name? A No.
Q Is your name or the name of your wife or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Did you or did anyone for you or for your wife or children ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of that Tribe? A No.
Q Did you or anyone for you or for your wife or any of these children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the act

Sam Joshua et al--3

of Congress of June 10, 1896--that is, did you make application five years ago? A No.

Q Have you or your wife or any of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.

Q Have you ever made application before this time for yourself, your wife or any of these children for citizenship in the Choctaw Nation to either the Choctaw Tribal authorities or to the Commission to the Five Civilized Tribes? A Yes, two years ago.

Q Where was that? A At Carthage.

The applicant in this case is the identical Sam Joshua who appeared before the Commission at Carthage, Mississippi, January 25th, ~~1891~~ 1899, and made application for the identification of himself, his wife Jane and minor children Sillan, Mollie and step-son Ollie Anderson, as Mississippi Choctaws, their names appearing on M.C.C. Field No. 58. Their names also appear on page 42 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights to the Choctaw lands under the provisions of the 14th article of the treaty of 1830, being numbers 211, 212, 213, 214 and 215.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and these minor children, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

Q You don't understand that very well, I guess? A No.

I will read that 14th article of the treaty to you. The Treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of the treaty was to secure the removal of the Choctaws from the Country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to go to the new country west of the Mississippi River but preferred to stay here in what constituted the old Choctaw Nation. For the benefit of that class of Indians the 14th article was put into the treaty of 1830 and it reads as follows:-

3 "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and

Sam Joshua et al---4

a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the law under which you claim. You understand that now, do you? A Yes.

Q Were any of your or your wife's Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Yes.

Q Were any of your Choctaw ancestors (when I say ancestors, I mean your foreparents, your grandfather, grandmother, great-grandfather or great-grandmother) recognized members of the Choctaw Tribe of Indians in 1830--do you know about that? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, or at any time previous to that year--did any of your ancestors ever own any improvements in Mississippi? (What I mean is, any house, fences, any buildings of any kind) A Don't know.

Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838--did you ever hear of any of your people or your wife's people going out there? A No.

Q Did any of your ancestors or your wife's ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in Mississippi, Col. Ward, that they wanted to stay in Mississippi and take land there and become citizens of the States? A No.

Q Did you ever hear that they did anything like that? A No.

Q Did any of your kin folks or your wife's kin folks ever claim or receive any land in Mississippi under article 14 of the treaty of 1830? A No.

Q Did any of your folks ever get any land from the Government or did they ever receive any money from the Government? A No.

Q Did your wife's people ever receive any land or money from the Government? A No.

Q Did any of your ancestors or your wife's ancestors claim or receive any benefits as Choctaw Indians under any other article of the treaty of 1830 than the 14th article or under the supplement of that treaty? A No.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government directed an Agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi and become citizens of the States. The records of the Government show that very few of those who made application to Col. Ward, to be registered, were in fact so registered. As the result of this neglect on his part, those who were living on land in Mississippi, many of them, had their land taken away and it was sold by the Government at its public land sales. This led to so many complaints that

Sam Joshua et al---5

Congress in 1837, by an act, authorized the appointment of a Commission to come to Mississippi and hear these complaints and adjudicate the matters of all claimants who were deprived of lands after having complied with article 14 of the treaty of 1830. In 1842 another Commission was appointed for the same purpose.

Q Did any of your ancestors or your wife's ancestors appear before either of these Commissions, appointed under the acts of Congress approved March 3, 1837 and August 23, 1842, and attempt to establish their rights under article 14 of the treaty of 1830?
A I never heard about that.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of 1830, but that his land had been sold by the Government, he should be entitled to select land elsewhere, in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors, or your wife's ancestors, father, mother, grandfather, grandmother, any of them, ever receive any scrip from the Government of the United States under this act of Congress? A No.

Q You never saw any? A No.

Q Did any of your people, or your wife's people, ever have any deeds to land from the Government? A No.

Q Did you ever know of any of them ever getting any land from the Government? A No.

Q As far as you know, did any of your ancestors or any of your wife's ancestors ever receive any benefits from the Government as Choctaw Indians, any money, land or scrip? A No.

Q Have you any witnesses present that you would like to call in your case? A No.

Q Have you any papers or documentary evidence that you would like to give the Commission now in support of your case? A No.

Q Do you know of any old people anywhere who would know anything about your ancestors or your wife's ancestors, or whether they ever complied with the provisions of the 14th article? A No.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission will be glad to have you offer such written evidence as you may see fit to submit within a period of thirty days from this date, if it is possible for you to do so. If you should see fit to bring or send witnesses before the Commission to testify in your behalf, they may appear before the Commission at Meridian, Mississippi, within a reasonable time and their testimony will be taken in support of this application.

Q Do you speak Choctaw most all the time? A Yes.

Q You don't speak English very well? A No.

This applicant appears to be a full blood Choctaw Indian.

Sam Joshua et al---6

He understands and speaks the Choctaw language as his native tongue. He has slight knowledge of the English language so that he can understand the questions propounded and answer them intelligently. He has no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, August 20th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of August, 1901, at Meridian, Mississippi.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---9---

In the matter of the application of Sam Joshua, et al.,
for identification as Mississippi Choctaws, M.C.R. 3305.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on August 20, 1901, by Sam Joshua for himself, his wife, Jane Joshua, and his three minor children, Sillian, Mollie and Eva; and his minor step-child, Ollie Andersen, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to carry into effect an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Sam Joshua, Jane Joshua, Sillan Joshua, Mollie Joshua, Eva Joshua and Ollie Anderson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 17 1903

N.O.R. 3305.

COPY.

Muskogee, Indian Territory, April 27, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1905, identifying Sam Joshua, his wife, Jane Joshua, his minor children, Sillian Joshua, Hollie Joshua, and Eva Joshua and his minor step-child, Ollie Anderson, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902. (52 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sam Joshua, his wife, children and step-child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Wm. Dixby,
Chairman.

Respectfully,
Enc. 1 3305.

COPY.

M.C.R. 3308.

Muskogee, Indian Territory, May 8, 1903.

Sam Joshua,

Oranema, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife Jane Joshua, and minor children, Sillian Joshua, Mollie Joshua and Eva Joshua, and your minor step-child, Ollie Anderson, as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement, at the office of the Commission, at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

W. H. H. H.

T. H. B. B.

Registered

May 1903.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for Enrollment of
INFANT CHILD

Eva Joshua
as a child of

MISSISSIPPI CHOCTAW.

Approved
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

190

Commissioner.

See Miss Choc Card Field No 58.

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

Acting Chairman.

MISSISSIPPI CHOCTAW. 58

3305

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 31 1901

Acting Chairman.

See Miss Cho Caid Drill No 58.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE *Identification* Application for *Identification*, as a citizen of the MISSISSIPPI CHOCTAW Nation,
of *Eva Joshua*, born on the *18th* day of *Aug.*, 1899.
(Here insert name of child)
Name of Father: *Sam Joshua*, a citizen of the MISSISSIPPI CHOCTAW Nation.
Name of Mother: *Jane Joshua*, a citizen of the MISSISSIPPI CHOCTAW Nation.
Post-office, *Oklahoma, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi
County of Leake.

I, *Jane Joshua*, on oath state that I am *39*
years of age and a *Full Blood* of the *Choctaw Indian* Nation;
that I am the lawful wife of *Sam Joshua*, who is a *Full Blood* of the *Choctaw Indian* Nation, that a *Female* child was
(male or female)
born to me on the *18th* day of *Aug.*, 1899; that said child has been
named *Eva Joshua*, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Malissa Billy
Martha Stoliby

Jane Joshua
myself

Subscribed and sworn to before me this *26* day of *August*, 1901.

W. N. Golden, Jr.
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi
County of Leake.

Martha Stoliby, a *Midwife*, on oath state that I
attended on Mrs. *Jane Joshua*, wife of *Sam Joshua*,
on the *18th* day of *Aug.*, 1899; that there was born to her on
said date a *Female* child; that said child is now living and is said to have been
(male or female.)
named *Eva Joshua*.

WITNESSES TO MARK

(Must be Two
Witnesses)

Malissa Billy
Martha Stoliby

Jane Joshua
myself

Subscribed and sworn to before me this *26* day of *August*, 1901.

W. N. Golden, Jr.
NOTARY PUBLIC

#1305

No.

3:05

For Identification as a Mississippi Choctaw.

Date AUG 20 1901

Name Sam Joshua

Age 49

Blood f. h

Post Office, Oklahoma, Miss

Father: Joshua, f. h d

Mother: Liza f. h d

Claims through both parents.

wife Jane f. h. — 39
 father — John Wilson, f. h. (d)
 mother, Martha " f. h. (d)

Claims for wife —

Children: Sallan Joshua 19

Mollie " 4

Eva " 2

Ollie Anderson, ^{boy} 14

Bob Anderson, f. h. —
 is the father of Ollie
 Anderson.

See M.C. Card filed
 No. 58 —

Claims for self, wife
 and above children —

Stenographer I. S. Niles

(over)

Sam. L. ...

(

Choctaw MCR 3306

Joe Willis

MCR 3306

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Joe Willis, et al.,
for identification as Mississippi Choctaws.

---o---

Herein is the record in the matter of the application of
Joe Willis, et al., for identification as Mississippi
Choctaws, M.C.R. 3306.

---o---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---c---

In the matter of the application of Joe Willis, et al., for
identification as Mississippi Choctaws, W.C.R. 3306.

--: I N D E X :--

Original application of Joe Willis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	(Page) . 1
Decision of the Commission identifying the ap- plicants herein as Mississippi Choctaws-----	6

-----o-----

7729 3306

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, August 20th, 1901.

In the matter of the application of Joe Willis for the identification of himself, his wife and three minor children as Mississippi Choctaws.

Said Joe Willis, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Joe Willis.
- Q What is your age? A Thirty-one.
- Q What is your postoffice address? A Ofahoma, Mississippi.
- Q In what County is that? A Leake.
- Q How long have you lived in Leake County? A All my life.
- Q Born there? A Yes.
- Q What is your father's name? A Joe Willis.
- Q Is he living? A Yes.
- Q Has he been before the Commission this year? A Yes.
- Q When? A In May, at Carthage.
- Q Any others of your kin folks been before the Commission-any of your brothers or sisters? A Yes, my brothers.
- Q Where did they come? A Carthage.
- Q In May? A Yes.
- Q This year? A Yes.
- Q What are the names of your brothers? A Dan.
- Q Have you any other brothers? A No.
- Q Just your brother and father, then? A Yes.
- Q Do you want to refer to the testimony given by them in their applications and make it a part of the records in your case? A Yes.
- Q Is your father a full blood Choctaw Indian? A Yes.
- Q Is your mother living? A Yes.
- Q What is her name? A Phyllis.
- Q Is she a full blood Choctaw Indian? A Yes.
- Q Are you a full blood Choctaw Indian? A Yes.
- Q You claim through both parents? A Yes.
- Q Did your father, Joe Willis, have an Indian name? A No, just called Willis.
- Q Did your mother have an Indian name? A No, just Phyllis.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in Indian Territory? A Don't know.
- Q Did they ever go out to the Indian Territory? A No.
- Q Did any of your ancestors ever go out to the Indian Territory? A No.
- Q Are you married? A Yes.
- Q What is your wife's name? A Adeline.
- Q Is she a full blood Choctaw Indian? A Yes.
- Q What is her age? A Twenty-nine.
- Q What is her father's name? A Mose.
- Q What Mose what? A Mose Jim.
- Q Is he a full blood Choctaw Indian? A Yes.
- Q Is he living? A No, dead.
- Q What is your wife's mother's name? A Elizabeth.
- Q Just Elizabeth.

A Y^{es}.

Joe Willis et al---2

- Q Is she dead? A Yes.
- Q Was she a full blood Choctaw? A Yes.
- Q Your wife claims her Choctaw blood through both father and mother A Yes.
- Q Have your wife's parents ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in Indian Territory--did they ever go out to the Territory and become enrolled? A No.
- Q Have you children under 21 years of age and unmarried for whom you want to make application? A Yes.
- Q What is the name of the oldest? A Bessie.
- Q How old is she? A Eleven, I reckon.
- Q Next one? A Peterson.
- Q How old is he? A About five years old.
- Q What is the name of the next? A Brantley.
- Q Boy? A Yes.
- Q Is Peterson a boy? A Yes.
- Q How old is Brantley? A Nearly two years old.
- Q Is Adeline the mother of these children? A Yes.
- Q You are the father? A Yes.
- Q These children are living with you? A Yes.
- Q How were you married to her, under a license or according to Choctaw custom? A Choctaw custom.
- Q Is your name, the name of your wife or the name of anyone of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory--did you ever go to the Territory and have these names placed on the rolls out there? A No.
- Q Did you or did anyone for you or for your wife or children ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of the Choctaw Tribe? A No.
- Q Did you or did anyone for you or for your wife or children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896--did you try to be enrolled five years ago? A No.
- Q Have you or your wife or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.
- Q Have you ever made application before this time for yourself, your wife or any of your children to either the Choctaw Tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, two years ago.
- Q Where? A Carthage.

2

This applicant is the identical Joe Willis who appeared before the Commission at Carthage, Mississippi, January 25th, 1899, and made application for the identification of himself, his wife Adeline and his minor children, Nessie, Bessie and Peterson as Mississippi Choctaws, their names appearing on Mississippi Choctaw card, Field No. 100. Their names also appear on the schedule annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights to the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830, being numbers

Joe Willis et al---3

356, 357, 358, 359 and 360, thereon, respectively.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and children under article 14 of the treaty of 1830? A Yes.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of the treaty was to secure the removal of all the Choctaw Indians in Mississippi and Alabama to the Choctaw Nation in Indian Territory, west of the Mississippi River. At the time the treaty was made some of the Choctaws were unwilling to remove from Mississippi and Alabama and go to the Choctaw Nation in Indian Territory. They preferred to remain here in Mississippi, take land here and become citizens of the States. For the benefit of that class of Indians the 14th article was inserted in the treaty. Article 14 reads as follows:-

"Each Choctaw Head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of a family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove shall not be entitled to any portion of the Choctaw annuity."

Q That is the article in the treaty of 1830 under which all the Choctaws are claiming rights now to be identified as Mississippi Choctaws. Do you understand that now? A Yes sir.

Q Did any of your ancestors, if Choctaw Indians, ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830-do you know whether they did what article 14 requires?

A Don't know.

Q Were any of your Choctaw ancestors or your wife's Choctaw ancestors, living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made, do you know? A Don't know.

Q Were any of your Choctaw ancestors or your wife's Choctaw ancestors recognized members of the Choctaw Tribe of Indians in 1830 do you know anything about that? A Don't know.

Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors

own any improvements on land in Mississippi or Alabama in 1830 or at any time previous to 1830? A Don't know.

Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other Choctaw Indians between 1833 and 1838? A Don't know.

Q Have any of your ancestors or your wife's ancestors ever been to the Indian Territory? A No.

Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent in Mississippi and tell him that they intended to stay in Mississippi and take land there and become citizens of the States? A Don't know.

Q Did any of your Choctaw ancestors receive or claim any land in Mississippi under article 14 of the treaty of 1830, or did any of your wife's ancestors? A Don't know.

Q Did any of your ancestors or your wife's ancestors ever claim any benefits under any other article of the treaty of 1830 except article 14, or under the supplement of that treaty? A Don't know.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government directed an Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records in the possession of the Government show that only a comparatively few Indians out of all the number who went to the Indian Agents office to register their declarations, were placed upon what is called Ward's registry list. As the result of this neglect on the part of the Agent, in many instances Indians who had improvements on lands had their lands taken away from them and sold by the Government at its public land ~~sales~~ sales. This caused a great deal of complaint among the Choctaw Indians. So much so, that in 1837 by Act of Congress approved March 3, 1837, a Commission was appointed and the duty of the Commission was to go to the State of Mississippi and hear all claims under article 14 of the treaty of 1830. In 1842 another Commission was appointed for the same purpose. As the result of the work of these two Commissions the names of a great many Choctaw Indians were placed upon lists, whose claims were approved by either one Commission or the other.

Q Did any of your ancestors or your wife's ancestors appeared before either of these Commissions, appointed under the Act of Congress approved March 3, 1837, or the Act of Congress approved August 23, 1842, and attempt to establish their rights under article 14 of the treaty of 1830? A Don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select land elsewhere, in the State of Mississippi, or Alabama, Arkansas, or Louisiana, to be taken from vacant

Joe Willis et al---5

Government land, and certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors ever receive any scrip from the Government of the United States under this act of Congress? A Don't know.

Q So far as you know, were any of your ancestors or your wife's ancestors ever recognized members of the Choctaw Tribe of Indians? A Don't know.

Q So far as you know, did any of your ancestors or your wife's ancestors ever receive any benefits as Choctaw Indians, ever get any money, land or scrip? A No.

Q Have you any witnesses here that you would like to call to testify in your case? A No.

Q Have you any written evidence that you want to offer now in support of your application, any papers, anything in writing you want to give me? A No.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission will be glad to have you offer such written evidence as you may see fit to submit within a period of thirty days from this date, if it is possible for you to do so. If you should see fit to bring or send witnesses before the Commission to testify in your behalf, they may appear before the Commission at Meridian, Mississippi, within a reasonable time and their testimony will be taken in support of this application.

This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language as his native language and also has sufficient knowledge of the English language to understand the questions propounded to him and to answer intelligently. He has no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, August 20th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of August, 1901, at Meridian, Mississippi.


Notary Public.

CW

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--C--

In the matter of the application of Joe Willis, et al., for identification as Mississippi Choctaws, M.C.R. 3306.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on August 20, 1901, by Joe Willis for himself, his wife, Adeline Willis and his three minor children, Bessie, Peterson and Brantley Willis, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

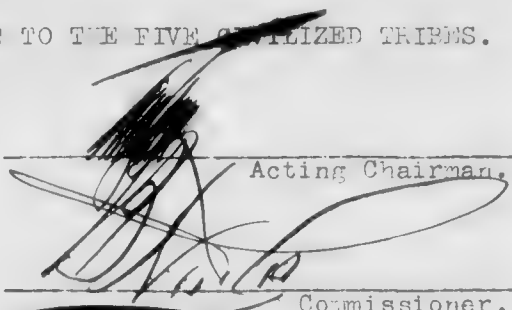
Section forty-one of the act of Congress entitled "An Act

To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right to citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."


It is, therefore, the opinion of this Commission that Joe Willis, Adeline Willis, Bessie Willis, Peterson Willis and Brantley Willis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,


Commissioner.

FEB 14 1903

M.C.R. 3306

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Joe Willis, his wife Adaline Willis, and his minor children Bessie Willis, Peterson Willis and Brantley Willis as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Joe Willis, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Tamm Bixby.

Acting Chairman

Registered
Enclosure M.C.R. 3306

COPY.

M.C.R. 3306

Muskogee, Indian Territory, March 11, 1903.

Joe Willis,

Ofahoma, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife Adaline Willis, and your minor children, Bessie Willis, Peterson Willis and Brantley Willis, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

James Bixby.

(SIGNED)

Chairman.

Registered.

Enc. 3306

#1306

No. 3206

For Identification as a Mississippi Choctaw.

Date AUG 20 1901

Name Joe Willis

Age 31 Blood f. b.

Post Office, Okahoma, Miss.

Father: Joe Willis, f. b. l

Mother: Phyllis " f. b. l

Claims through both parents,

wife Adeline " f. b. 29

father Mose Jim. f. b. (d)

mother, Elizabeth f. b. (d)

Claims for wife -

Children:

Bessie - Willis " 11

Peterson boy " 5

Branley " " 2

See M. C. Card filed

No. 100.

Claims for self,

wife and children.

Stenographer L. A. Niles

A MISSISSIPPI CHOCTAW.

Joe Willis et al

K. 330 1/2

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 3307

Clemmie Larkin

See MCR 3227

MCR 3307

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, August 20th, 1901.

In the matter of the application of Clemmie Larkin for the identification of herself and one minor child as Mississippi Choctaws.

Said Clemmie Larkin, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Clemmie Larkin.
Q What is your age? A Thirty.
Q What is your postoffice address? A Gaston, Alabama.
Q Where were you born? A Alabama.
Q What place in Alabama? A Sumter County.
Q How long have you lived there? A All my life.
Q You don't live there now, do you? A Yes, Gaston is in Sumter County.
Q What is your father's name? A Anderson Poteet.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Poteet.
Q Is she living? A No sir.
Q Through which one of your parents do you claim Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A One-fourth.
Q What was your father's blood? A I don't know, sir.
Q Negro, was it? A Mixed.
Q Wasn't he a negro? A More negro than anything else.
Q You claim that he was negro, don't you? A Yes sir.
Q Was he a slave before the war? A Yes sir.
Q What was your mother's blood beside the Choctaw blood you claim she had? A Negro.
Q How much Choctaw blood? A One-half, I guess.
Q Was she a slave before the war? A Yes.
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes.
Q What is your husband's name? A Bob Larkin.
Q What is his blood? A I don't know, sir, it is mixed.
Q What is it mixed with? A I don't know.
Q Isn't he a full blood negro? A No sir, his hair is straight.
He is brighter than I am. He is mixed blood.
Q You don't claim he had any Indian blood, do you? A No sir.
Q You don't make any claim for him, do you? A No sir.
Q Have you any children you want to make application for, under 21 years of age and unmarried? A Yes, one child.
Q What is the name? A Izzie Larkin.
Q How old is she? A Nine years old.
Q Have you any other children? A No sir.
Q Is Bob Larkin the father of Izzie? A Yes sir.
Q And you are the mother? A Yes.
Q And this child is living with you at your home? A Yes.
Q You never have appeared before the Commission before, have you?
A No sir.
Q Were you married to Bob Larkin under a license and by a minister?

Clammie Larkin et al---2

A Yes sir.

Q When and where were you married? A At Gaston.

Q When? A Fifth of February, about ten years ago.

Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of.

Q Did you go out to the Indian Territory and get enrolled out there? A No sir.

Q Did you or did anyone for you or for your child ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that Tribe? A No sir.

Q Did you or did anyone for you or for your child in the year 1896 make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and child to either the Choctaw Tribal authorities or to the authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and child under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand article 14 of the treaty of 1830? A No sir, I don't understand.

Q You say you claim under that article. How do you know you claim under it? A I don't understand that.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. The object of that treaty was the removal of all the Choctaw Indians who lived in Mississippi and Alabama, from those two States, to the Choctaw Nation in Indian Territory. A great many Choctaw Indians at the time the treaty was made refused to go and in order to protect their interests article 14 was inserted in the treaty. Article 14 reads as follows:-

" Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a por-

tion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of 1830 under which you claim the right now to be identified as a Mississippi Choctaw.

You understand that, don't you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek-do you know? A No sir, I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know, sir.

Q Were any of your Choctaw ancestors recognized members of the Choctaw Tribe of Indians in 1830-do you know? A No sir, I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830, or any year previous to that time? A No sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama and go to the Indian Territory with the other Indians who went there between the years 1833 and 1838? A No sir.

Q Do you know whether any of your ancestors ever went to the Indian Territory? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the office of the United States Indian Agent, Col. Ward, and tell him that they intended to stay in Mississippi and take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors receive any benefits as Choctaw Indians under article 14 of the treaty of 1830 or receive or claim any land under that article? A No sir.

Q Did they ever receive any benefits under any other article of the treaty of 1830 than article 14, or under the supplement of the treaty? A I don't know.

Q How far back can you go now to find a full blood Choctaw ancestor? A I don't know.

Q Who was your full blood Indian ancestor? A My grandfather.

Q Your mother's father? A Yes sir.

Q How much do you claim your mother was? A One-half.

Q How do you know she was? A That is what the older people say.

Q Did she have curly black hair? A Yes sir.

Q Was it curly as yours? A No sir, it was long and straight; it curled a little.

Q How curly was her hair? A I can't tell you.

Q Which one of her parents was the Indian, her father or mother?

A Her father.

Q How much Choctaw blood did he have? A Full blood.

Q Did you ever see him? A No sir, I never seen him.

Q Was he a slave? A I don't know, sir, nothing about that.

Q How did your mother happen to become a slave if she had Choctaw blood? A I don't know nothing about that.

Q Do you know what your grandfather's name was? A Willis Thorne.

Q And you say he was a full blood? A That is what they say.

Q Did he talk Choctaw? A I don't know, sir.

Q Did your mother speak Choctaw? A I don't know anything about

Clemmie Larkin et al---4

Choctaw.

Q Can't you speak Choctaw? A No sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government directed an Agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi and become citizens of the States. The records of the Government show that this Agent failed to register the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article 14 of the treaty of 1830. On this account a great many Choctaw Indians who occupied land in Mississippi and who had improvements on that land had their land taken away from them; it was sold by the Government at its public land sales. This was a hardship for the Indians, which they resented and complained of. As the result of their complaints Congress passed an act, which was approved March 3, 1837, providing for the appointment of a Commission whose duty it was to come to Mississippi and hear these claimants under the 14th article of the treaty of 1830. Another Commission was appointed in 1842 for the same purpose.

Q Did any of your ancestors appear before either of these Commissions, appointed under the Act of Congress approved March 3, 1837, and under the Act of Congress of August 23, 1842, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should finally be determined that a Choctaw had complied with all of the provisions of article 14 of the treaty of 1830, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the States of Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Do you know whether any of your ancestors, if Choctaw Indians, ever received any scrip from the Government of the United States under this act of Congress? A I don't know.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A No sir.

Q So far as you know, did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Have you any witnesses before the Commission today that you wish to introduce in support of this claim? A No sir.

Q Have you any documentary evidence you want to introduce now?

A Yes sir, I have a paper.

There is offered in evidence the affidavit of Eliza McCorkle, presented by applicant, received, marked "Exhibit-A", filed and made a part of the records in this case. There is also offered in evidence the affidavit of Buck McCorkle, presented by applicant, received, marked "Exhibit-B", filed and made a part of the records in this case.

Clemmie Larkin et al---5

Q Do you want further time in which to introduce further testimony in support of this application? A Yes sir.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission would be glad to have you offer such written evidence as you may see fit to submit within a period of thirty days from this date, if it is possible for you to do so. If you should see fit to bring or send witnesses before the Commission to testify in your behalf, they may appear before us at Meridian, Mississippi, within a reasonable time and their testimony will be taken in support of your application.

Q Are there any further statements you want to make in support of your application? A No sir.

This applicant appears to be descended from negro parentage; Has no knowledge of the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, August 20th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 27th day of August, 1901, at Meridian, Mississippi.


Notary Public.

M.C.R. 3307

COPY.

Muskogee, Indian Territory, September 4, 1902.

Clemmie Larkin,
Caston, Alabama.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Lawson	" 3308
Clemmie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Mandie Ward, et al.,	" 3312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats, 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Clemmie Larkin-2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Bonnie Marshall, Elizabeth Stephens, Annie Hall, Rhoda Dixon, Clemmie Dixon, Johnnie Dixon, Clarissa Dixon, Alma Dixon, Minnie Dixon, Anderson Dixon, Georgia Lawson, Clemmie Larkin, Izzie Larkin, Jennie Stephens, B.C. Stephens, Fessie Stephens, Handie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joanna Ward as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M.C.R. 3307

Huskogee, Indian Territory, December 22, 1902.

Clemmie Larkin,

Gaston, Alabama.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 24 1901

Name Glemmie Larkin,

Age 39 Blood $\frac{1}{4}$

Post Office, ^{negro - slave} Gaston, Ala.

Father: Addison Poteet d ^{neg 1/2 - choct 1/2}

Mother: Mary " ^{slave} d

Claims through mother,
~~Husband~~
Bob Larkin - mifeed
No claim for husband.

Children:

Izzie Larkin, 9

Claims for self &
child -

Stenographer

L. A. Niles

Choctaw MCR 3308

Georgia Lawson

See MCR 3227
4

MCR 3308

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 20, 1901.

In the matter of the application of Georgia Lawson for
identification as a Mississippi Choctaw.

Georgia Lawson, having been first duly sworn, under
oath states as follows:

Examination by the Commission.

- Q What is your name? A Georgia Lawson.
Q How old are you? A Thirty three.
Q What is your post office address? A Walk, Sumter County, Alabama.
Q How long have you lived in Sumter County, Alabama? A All my
life.
Q Is your father living? A No sir.
Q What was his name? A Anderson Poteet.
Q Is your mother living? A No sir.
Q What was her name? A Mary Poteet.
Q Where did your father live during his life time? A In Sumter
County.
Q Was he born there? A Yes sir, I reckon.
Q Your mother lived there all her life too? A Yes sir, I reckon.
Q How old would your father be if he was living now? A I don't
tell you; I don't know.
Q How old would your mother be if she was living now? A I don't
know; I will be honest, I don't know.
Q About how old would father be? A I reckon about sixty five or
seventy, or eighty years old; they was pretty old; I don't know
how old they were.
Q Were they slaves, both of them? A I reckon; I don't know; I know
my father was.
Q Through which one of your parents do you derive your Choctaw blood
A Mother.
Q How much Choctaw blood do you claim to have? A 1/4.
Q Through which one of her parents did your mother derive ~~her~~ her
Choctaw blood? A Father.
Q What was his name? A Willis Thorn, or William Thorn; I reckon
it is about the same.
Q Which was it? A Willis, I believe.
Q Did you ever see him? A No sir.
Q How old would he be if he were living now? A I couldn't tell
you; I will be honest.
Q How much Indian blood did he have? A They said he was full
blood; I never seen him; I don't know anything about it.
Q Whom did you hear say he was a full blood? A Mrs and
Mr. McCorkle. Eliza and Buck McCorkle.
Q They knew him, did they? A Yes sir, they said they did.
Q Where do they live? A Not far from York Station, Alabama.
Q Do you speak or understand the Choctaw language? A No sir.
Q Did your mother speak or understand the Choctaw language?
A No sir, not as I knows of.
Q Did her father speak or understand the Choctaw language? A I

Georgia Lawson, 2.

don't know sir.

Q Did your mother ever go out to the Indian Territory? A No sir.
Q Have you ever been out there? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Has he any Indian blood? A No sir.
Q Did you make application for him? A No more than through myself.
Q Do you think he gets Indian blood through you? A No sir.
Q I want to know whether you are making an application for him, you say he hasn't any Indian blood? A Well, I thought we were legally married.

Inasmuch, as he has no Indian blood, it is not seen how you can make any application for him.

Q Have you any children? A No sir.
Q This application then is for yourself alone? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of the tribe out there? A No sir.
Q Did you or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you ever made any application of any description prior to this time, either to the Choctaw tribal authorities or to the United States authorities, to be admitted or enrolled as members of the tribe? A No sir.
Q Do you now desire to make application for identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir, no more than it gives me a part.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. The object of that treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a country west of the Mississippi River, a part of which is now occupied by the main body of the Choctaw tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to move out west to the new country, but preferred to remain here and for the benefit of those who preferred to remain here, the 14th article was put in the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to

Georgia Lawson, 3.

do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the fourteenth article of the treaty of Dancing Rabbit Creek.

Q Do you think you understand that 14th article now? A I don't know sir; some part I don't understand.

Q Well

Well, now, that 14th article contained requirements for the Indians who lived here in 1830, over seventy years ago, who desired to remain here in Mississippi and not go to new country. The 14th article said that they might remain here and get land upon certain conditions; first, if they desired to stay here and take land, they must within six months from the time this treaty was ratified, on the 24th day of February, 1831, signify to the United States Agent of the Choctaws here in Mississippi, their intention to remain here and become citizens of the States; they would then be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and in like manner would be entitled to one half that quantity, for each unmarried child which is living with him over ten years of age, and a quarter section to such child as might be under ten years of age, to adjoin the location of the parent. Now this reservation of the parent must include the improvement of that the parent had when the treaty was made, on the 27th of September, 1830. The 14th article further provided that in case they lived on that land for five years following the 24th day of February, 1831, the date the treaty was ratified, they should be entitled to a grant in fee simple for the land; that is, the Government would give them a deed or patent to the land, conveying all its interest to the Choctaws. Those are the requirements of the 14th article of the treaty of Dancing Rabbit Creek?

Georgia Lawson, 4.

Q Do you think you understand that now? A Yes sir. I sorter think I understand it.

Q Did any of your ancestors - you know what ancestors means; fore-fathers, old folks. Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article? A Not as I knows of.

Q And none of them ever received any benefits under it? A No sir.

Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? A I don't know sir.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know sir; I couldn't tell you.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know sir; if they did I don't know anything about it.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A I don't know sir.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know sir; not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of any other article of that treaty, or under the supplement to that treaty?

A I don't know sir.

Q Did you ever hear of any of your ancestors ever getting any land here in Mississippi from the Government of the United States?

A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here and become citizens of the States. The records of the Government show that this agent failed to register the names of many Indian who did in fact signify to him their intention to remain and become citizens, and on this account the Government, at its public land sales in many instances sold land upon which Choctaws had improvements, and which they supposed they would receive under the 14th article of the treaty. This action of the Government in selling their lands caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed another Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had

Georgia Lawson, 5.

been sold by the Government; this commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a few of these cases, but in the time allowed them by the Acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases, and Congress later passed another Act which was approved on the 23rd day of ~~March~~ August 1842, providing for the appointment of another commission to come down here and finish up this work; that second commission was duly appointed by the President and the commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these commissions and attempt to establish their rights under article 14 of the treaty? A Not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip under this Act of Congress? A Not as I know of.

Q So far as you know, none of your Choctaw ancestors ever received any benefits as Choctaw Indians? A No sir.

Q And you don't know that any of them were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q Have you any witnesses before the Commission to-day? A I have some evidence I want to offer.

The affidavits of Buck McCorkle and Eliza McCorkle are offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q Is this all the written evidence you have? A Yes sir.

Q Do you know any one living who would be able to support your testimony as to the amount of Choctaw blood you have, and as to your ancestors or as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of your application, and if you desire to bring any witnesses before the Commission, or send them before the Commission to testify

Georgia Lawson, 6.

in person in your case, the Commission will hear their testimony here at Meridian, if you will send them in a reasonable time.

A I have no witnesses, except these two, that I knows of.
Q You think you could get these two, Buck and Eliza McCorkle to come down here and testify in your case? A No sir, they are old people; I couldn't tell you whether they could come or not; they didn't talk like they wanted to come.

Of course, it would be much better for you for them to come down here and testify, for they might know things that you would not incorporate in an affidavit, which we would develop in an examination.

A Wouldn't the writing do as well? A
Q No, hardly as well.
Q Have you any ~~brothers~~ sisters living? A Yes sir.
Q How many sisters? A Seven.
Q What are their names? A Laura Marshall; Lizzie Stephens; Ann Hall.
Q The next? A Rhoda Dixon.
Q The next? A Clemmie Larkins and Jennie Stephens, Mandy Ward.
Q Is that all of them? A Yes sir, didn't I name you seven.
Q Have you any brothers living? A No sir.
Q What ones of your sisters are before the Commission now? A Rhoda Dixon, Clemmie Larkins, Jennie Stephens and Mandy Ward.
Q Have your other sisters been before the Commission? A The older ones, yes sir.
Q What are their names? A Laura Marshall, Lizzie Stephens.
Q When were they here? A Week before last, I think.
Q Have you any brothers dead? A Yes sir, one dead.
Q Did he die in infancy? A Yes sir.
Q Have you any sisters dead? A Yes sir, one died in infancy.
Q Are any of your mother's brothers living? A Yes sir, she has got one living, and she didn't have but one.
Q What is the name? A Joe Thorn.
Q Where does he live? A I don't know where he lives.
Q Has he been before the Commission? A Not as I knows of.
Q Did she ever have any sisters? A Yes sir.
Q Are there sisters living any of them? A I don't know sir, whether they are living or not; I haven't heard from them for a long time; I don't know whether they are living or not.
Q Do you know whether Wilis Thorn and your mother's mother were lawfully married or not? A No sir, I couldn't tell you.
Q You don't know anything about it? A No sir.
Q How many children did they have? A Four.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

Georgia Lawson, 7.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the Twentieth day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.

[Signature]

Notary Public.

M.C.R. 3308

COPY

Muskogee, Indian Territory, September 4, 1902.

Georgia Lawson,

Walk, Alabama.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the Consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Lawson,	" 3308
Olemmie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Mandie Ward, et al.,	" 3312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats, 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Georgia Lawson-2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Bennie Marshall, Elizabeth Stephens, Annie Hall, Rhoda Dixon, Clemmie Dixon, Johnnie Dixon, Clarissa Dixon, Alma Dixon, Minnie Dixon, Anderson Dixon, Georgia Lawson, Clemmie Larkin, Izzie Larkin, Jennie Stephens, B.C. Stephens, Hassie Stephens, Mandie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joanna Ward as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Givens
Acting Chairman.

Registered.

M.C.R. 3308

Muskogee, Indian Territory, December 22, 1902.

Georgia Lawson,

Walk, Alabama.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Acting Chairman.

#1308

No. 3508

For Identification as a Mississippi Choctaw.

Date AUG 20 1901

Name

Georgia Lawson

Age

32

Blood

1/4

Post Office

WALK, Ala.

Father

Anderson (Patet)

d

Mother

Mary

d

Claims through

mother

At

Children:

(Claims for sep. ar. 1/4)

Stenographer

R. J. [Signature]

Choctaw MCR 3309

Rhoda Dixon

See MCR 3227

MCR 3309

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 20, 1901.

In the matter of the application of Rhoda Dixon for the identification of herself and six minor children as Mississippi Choctaws.

Rhoda Dixon, having been first duly sworn, upon ~~his~~ oath testified as follows:

Examination by the Commission.

- Q What is your name? A Rhoda Dixon.
Q How old are you? A Thirty six.
Q What is your post office address? A Alamuchee, Alabama.
Q What county? A Sumter County.
Q How long have you lived in Sumter County, Alabama? A All my days.
Q Is your father living? A No sir.
Q What was his name? A Anderson Poteet.
Q Is your mother living? A No sir.
Q What was her name? A Mary Poteet.
Q How old would your father be if he was living now? A I don't know sir; I couldn't tell.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim to have? A $1/4$.
Q How old would your mother be if she was living now? A About sixty I guess.
Q Was she a slave? A Yes sir.
Q Your father a slave too? A Yes sir.
Q Through which one of her parents did your mother get her Choctaw blood? A Her father, I suppose.
Q What was his name? A William Thorn.
Q How much Choctaw blood did he have? A I don't know sir; I couldn't state; I reckon he was all.
Q Do you know anything about him at all? A No sir.
Q Do you know where he lived? A In Alabama.
Q Where? A Sumter County., I guess; I don't know where he lived; Well, I know he lived in Alabama.
Q Did he have a Choctaw name? A No sir.
Q Did he speak or understand the Choctaw language? A I don't know sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Did your mother speak or understand the Choctaw language? A No sir.
Q Have you ever been to the Indian Territory? A No sir.
Q Do you know the names of either of the parents of William Thorn? A No sir.
Q Was your mother ever out there? A I don't know sir.
Q Did you ever hear ~~her~~ of her being out there? A No sir, I never heard of her being there.
Q Are you married? A Yes sir.
Q What is your husband's name? A H.B.A. Dixon.
Q Is your husband living? A Yes sir.

Rhoda Dixon, et al., 2.

Q Has he any Choctaw blood? A No sir.
Q What is he? A Nigger.
Q You make no claim for him? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Six.
Q What are their names and ages? A The oldest one is named Clemmie.
Q How old is Clemmie? A Fourteen.
Q A boy? A Girl.
Q The next? A Johnnie.
Q How old is Johnnie? A Thirteen.
Q A boy? A Yes sir.
Q The next one? A Clarissa.
Q How old is Clarissa? A Ten.
Q The next one? A Alma.
Q Girl? A Yes sir.
Q How old? A Eight.
Q The next one? A Minnie.
Q How old? A Six.
Q The next? A Anderson.
Q How old? A Four.
Q Boy? A Yes sir.
Q You are the mother of all six of these children? A Yes sir.
Q Are they living with you now? A Yes sir.
Q What is the name of their father? A H.B.A. Dixon.
Q Is he the father of all of them? A Yes sir.
Q This application then is for yourself and six minor children?
A Yes sir.
Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you, or any one for you, ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the tribe? A No sir.
Q Did you or any one for you in the year 1896, make application to the Commission to the Five Civilized Tribes, that's this Commission, for citizenship in the Choctaw Nation, for yourself or any of these children? A No sir.
Q Have you ever made any application of any description before to-day for yourself or any of these children? A No sir.
Q No one else has ever made such an application for you? A No sir.
Q Do you now desire to make application for the identification of yourself and these minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the Treaty of Dancing Rabbit Creek?
A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and in the edge of Alabama, along the western line of the State. The object of the treaty was to secure the removal of the Indians from the

Rhoda Dixon, et al., 3.

country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi, a part of which is now occupied by the main body of the Choctaw tribe. At the time the treaty was made, some of the Indians were unwilling to move to the new country, and insisted that they be permitted to remain here, and for the benefit of those desiring to remain here, the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for six months after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the 14th article of the treaty of Dancing Rabbit Creek.

Q Do you think you understand that? A I don't understand all.

Well, now, as I explained to you, this treaty was made here over seventy years ago; and this 14th article is a small part of that treaty, that was made between the Choctaw Indians living here at that time, seventy years ago, and the Government. The 14th article was put in there for those people who wanted to stay here and become citizens of the States and get land here. It provided that in case a Choctaw decided that he wanted to stay here in Mississippi and become a citizen of the States and not go to the new country west of the Mississippi River, he might do so and get land upon certain conditions. The first thing necessary for him to do was to signify to the agent of the Government here in Mississippi, his intention to remain here and ~~become~~ take advantage of the provisions of article 14, within six months from the time the treaty was ratified. The treaty was ratified on the 24th day of February, 1831; now if he had let the agent know he wanted to stay here and become a citizen of

the States, he was entitled to a reservation of one section of land set aside for him, a piece of land one mile square, and if he had children in his family over ten years of age, th t child was entitled to one-half that quantity, or three hundred and twenty acres; if he had a child in is family under ten years of age, that child was entitled to one hundred and sixty acres of land, or one quarter section. The reservations of these children must adjoin the location of the parent, and the reservation must include the improvement of the ~~family~~ parent as it stood on the 27th day of September 1830. Now the 14th article further provided that if they lived on the tracts set aside to them for five years from the time the treaty was ratified, or five years from February 24, 1831, they should be entitled to a grant in fee simple for the land; that is they would be given a deed to the land from the Government, or a patent from the Government for this land, and it would be theirs to dispose of at their pleasure. Those are the requirements of the 14th article of the treaty

Q Do you think you understand that now? A No sir, I don't understand it, in full.

Q What is there you don't understand about it? A About when will we get our pro rata.

Q That has nothing to do with this old treaty I am talking about, a treaty that was made seventy years ago. That does not refer to you at all. That refers to Choctaws who lived here seventy years ago. Those things that are required in this 14th article were required of the people who lived here seventy years ago, not the people who live here now? A Do I understand you to say that a Choctaw could, of the fourth quarter, have a pro rata here in this 14th article.

Q What I mean in this; that a Choctaw living here at that time -- A That is what I say --

Q He could get land here in Mississippi at that time; he could get a whole section for himself, a half section for a child over ten, and a quarter section for a child under ten. Do you think you understand the 14th article now? A I believe I understand that.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article? A Not as I know of. No sir

Q What one of your ancestors was living here in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made, nearly seventy one years ago? A I don't know sir.

Q Were any of your ancestors recognized members of the tribe here at that time? A I don't know sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama at that time, seventy one years ago? A I don't know sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know sir.

Q Did any of your Choctaw ancestors, within six months from the time this treaty was made, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention

Rhoda Dixon, et al., 5.

to remain in Mississippi and become citizens of the States? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of that treaty, or under the supplement to that treaty? A I don't know sir.

In accordance with the provisions of Article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians desiring to remain here and become citizens of the States under that article. The records of the Government show that that agent failed to record the names of many Indians who did in fact signify to him their intention to remain and become citizens of the States. On this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaw Indians lived and had improvements, and which they supposed that would receive from the Government under the provisions of article 14 of the treaty; this occasioned a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Acts of Congress under which they were appointed, they were unable to hear but comparatively a small number of cases; so Congress passed another Act which provided for the appointment of a second commission to come down here and finish up the hearing of these Choctaw cases. This second commission was duly appointed by the President, and the commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either one of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but

Rhoda Dixon, et al., 6.

that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government under this Act of Congress? A Not as I knows of.

Q So far as you know then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q And none of them that you know of were ever recognized members of the Choctaw tribe? A No sir.

Q Have you any witnesses before the Commission to-day that you want to introduce in your behalf? A Yes sir, my sister and brother-in-law is here. That's all the witnesses I have got. I aint got any witnesses but them. All the rest of them has made application; they come in with me.

Q You mean that you have some full brothers that want to apply themselves? A Yes sir.

Q You have with you some written evidence you want to offer? A Yes sir.

The affidavits of Eliza McCorkle and Buck McCorkle are offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q Is this all the written evidence you have to offer? A Yes sir.

Q Do you know of any witnesses living who would be able to support your testimony as to your Indian blood, and your ancestry, and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.

You will be allowed a reasonable time in which to support further documentary evidence, if you should see fit to do so. We would like to have you file whatever evidence you want to file in thirty days, if you can, and if you know of any witnesses who would be able to support your testimony on these important points in your case, you can either bring or send them here to Meridian, and we will take their testimony.

A I don't know any one else but the two McCorkles whose affidavits I have offered.

Q Don't you think you could get these people to come to Meridian and testify for you? A No sir, I don't know that I could; they are pretty ageable, and they don't wish to be drug about, I reckon; they are out in the country.

Q Are there any further statements you want to make at this time?

A No sir, not as I knows of.

Rhoda Dixon, et al., 7.

This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 20th day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.

[Signature]
Notary Public.

M.C.R. 3309

Muskogee, Indian Territory, September 4, 1902.

Rhoda Dixon,

Alamuchee, Alabama.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Lawson,	" 3308
Clemmie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Mandie Ward, et al.,	" 3312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Rhoda Dixon-2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Bennie Marshall, Elizabeth Stephens, Annie Hall, Rhoda Dixon, Clemmie Dixon, Johnnie Dixon, Clarissa Dixon, Alma Dixon, Minnie Dixon, Anderson Dixon, Georgia Lawson, Clemmie Larkin, Izzie Larkin, Jennie Stephens, B.C. Stephens, Hassie Stephens, Mandie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joanna Ward as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

H.C.R. 3309

Muskogee, Indian Territory, December 22, 1902.

Rhoda Dixon,

Atlanchoe, Alabama.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Acting Chairman.

#1309

No. 309

For Identification as a Mississippi Choctaw.

Date

AUG 20 1901

Name

Rhoda Dixon

Age

36

Blood

1/16

Post Office

Aramuchee, Ala.

Father:

Anderson Petcet

d

Mother:

Mary "

d

Claims through

mother

Husband S. B. Dixon

2

No claim for husband.

Children:

Olemmie Dixon (F) 14

Johnnie " (M) 13

~~Clarissa~~

Clarissa " 10

Alma " (F) 8

Minnie " 6

Anderson " (M) 4

Claims for self & children

Stenographer

A. L. H. K.

Choctaw MCR 3310

Willie Billey

MCR 3310

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--O--

In the matter of the application of Willie Billey, for
identification as a Mississippi Choctaw.

--O--

Herein is the record in the matter of the application of
Willie Billey, for identification as a Mississippi Choc-
taw, M.C.R. 3310.

-O-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Willie Billey, for identification as Mississippi Choctaws, M.C.R. 3310.

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--O--

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 20, 1901.

In the matter of the application of Willie Billey for
identification as Mississippi Choctaw.

Willie Billey, having been first duly sworn, upon his oath
testified as follows: (Isham Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Willie Billey.
Q How old are you? A Twenty one.
Q What is your post office address? A Ofahoma, Mississippi.
Q What county? A Leake County.
Q How long have you lived in Leake County? A All my life.
Q Is your father living? A Dead.
Q What was his name? A Tom Billey.
Q When did he die? A About seven years ago.
Q How old was he when he died? A About sixty.
Q How much Choctaw blood did your father have? A Full blood.
Q Do you know the name of your father's mother? A No.
Q Do you know the name of your father's father? A No.
Q Is your mother living? A Yes.
Q What is her name? A Martha.
Q Has your mother always lived in Mississippi? A Yes.
Q Do you live with her now? A Yes.
Q How much Choctaw blood has your mother? A Full blood.
Q Do you know the name of either one of your mother's parents?
A No.
Q You don't know then the names of any of your ancestors further
back than your father and mother? A No.
Q How old is your mother? A About seventy.
Q Has your mother an Indian name - a Choctaw name? A No.
Q Did your father have a Choctaw name? A Done forgot it.
Q Were your father or mother, either of them, even in Indian
Territory? A No.
Q Are you married? A No.
Q This application, then, is for yourself alone? A Yes.
Q Is your name on any of the Choctaw tribal rolls in Indian
Territory? A No.
Q Did you, or any one for you, ever make application to the
Choctaw tribal authorities in Indian Territory, to be enrolled or
admitted as members of the tribe? A No.
Q Did you, or any one for you, in the year 1896, make application to
the Commission to the Five Civilized Tribes for citizenship in
the Choctaw Nation, under the Act of Congress of June 10, 1896?
A Don't know.
Q Have you, or has any one for you, ever made application prior to
to-day to either the Choctaw tribal authorities or to the United
States authorities for you to be admitted or enrolled as a citizen
of the Choctaw Nation? A Made application about two years ago at
Carthage.

Willie Billey, 2.

The records of the Commission show that on January 26, 1899, application was made to the Commission to the Five Civilized Tribes at Carthage, Mississippi, for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw card, Field Number 112 as Willet Billey; also, upon page 49 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Number 398 thereon.

Q This application two years ago is the only application of any kind that has ever been made for you, is it? A Yes.

Q You now desire to make application for identification as a Mississippi Choctaw, claiming rights in the Choctaw lands in Indian Territory, under the provisions of Article 14 of the Treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and a part of Alabama, along the western side of the State. The object of the treaty was to get these Choctaws to move from this country to a new country west of the Mississippi River, a part of which is now occupied by the main portion of the Choctaw tribe. Some of the Choctaws at that time were unwilling to move from this country out west, and for the benefit of those who desired to remain here, the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with his over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue;

Willie Billey, 3.

said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A I don't know.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A I don't know.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them own an improvement here at that time? A No.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Don't know.

Q Did any of your ancestors, within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the agent of the Government for the Choctaws here in Mississippi, their intention to remain and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claimor receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claimor receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article, or under the supplement to that treaty? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain and become citizens of the States under that article. The records of the Government show that that agent failed to record the names of many Indians who did in fact signify to him their intention to remain and become citizens, and on this account, the Government, at its public land sales, sold land upon which Choctaws had improvements and lived, and which they supposed they would receive under the provisions of article 14 of the treaty. By reason of the fact that the lands belonging to the Choctaws was sold by the Government, a great deal of dissatisfaction and complaint was caused among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here and hear

Willie Billey 4.

the cases of Choctaws who claimed that they had complied in all respects with the provisions of Article 14 of the treaty, but that their land had been sold by the Government. This commission was duly appointed by the President and the Commissioners came down here and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, they were unable to dispose of but comparatively a small number of them; Congress, therefore, passed another Act, which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to finish up the work of hearing these Choctaw cases. That commission was duly appointed by the President, and the commission came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty, but that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or in Louisiana, Alabama or Arkansas, and should be given a certificate to that effect. These certificates were called scrip -

Q Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress?

A No.

Q So far as you know then, none of your ancestors have ever received any benefits whatever under the treaty of Dancing Rabbit Creek? A I don't know.

Q So far as you know, your ancestors, all of them, have always lived here in Mississippi have they? A Never heard about it.

Q You mean you never heard of them living anywhere else? A No.

Q Have you any witnesses before the Commission to-day that you want to introduce? A Not here to-day.

Q Do you know of any one living who would be able to support your testimony as to your ancestry and the amount of Choctaw blood that you have, and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder, or ever received any benefits under any other article of the treaty of 1830, or under the supplement to that treaty? A I don't know of any.

Q Have you any ~~writ~~ written evidence of any kind you want to offer at this time? A No.

Q Did you ever see or hear of any deed or patent, issued to any one of your ancestors covering land here in Mississippi, received under this treaty of 1830? A No.

Willie Billey, 5.

Q

If you should see fit to furnish the Commission with any proper written evidence in support of your application, it will be received and considered in connection with this case, and if you should see fit to send or bring any witnesses before the Commission here at Meridian to testify in your behalf in this case, their testimony will be taken by the Commission. We will be glad if you see fit to furnish any written evidence to furnish it within thirty days if you can conveniently do so. If you care to bring any witnesses before the Commission, they should be presented at Meridian at an early date.

- Q Are there any further statements you desire to make? A No.
Q Have you any brothers or sisters? A Yes, got brothers.
Q Have you only one? A Yes.
Q Have you any sisters? A No.
Q Are any of your mother's brothers living? A Mother's brothers name Sisman.
Q Just Sisman? A Yes.
Q Where does he live? A Kosciusko.
Q Has he been before the Commission? A Don't know.
Q Has your mother any sisters living? A No.
Q Are any of your mother's sisters or brothers dead? A That's all I know.
Q Are any of your father's brothers living? A I don't know.
Q Are any of your father's sisters living? A No.
Q Has he any deceased brothers or sisters? A Don't know.

(This applicant has the appearance of being a full blood Choctaw Indian; he speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 20th day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.

[Signature]

Notary Public.

Cur

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---C---

In the matter of the application of Willie Billey, for identification as a Mississippi Choctaw, M.C.R. 3310.

---: D E C I S I O N :---

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission on August 20, 1901, by Willie Billey for himself, under the following provision of the act of Congress approved June 28, 1896 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.


Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

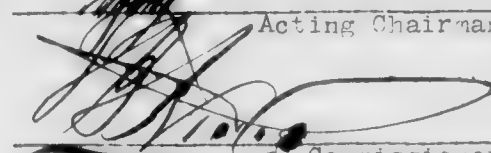
tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

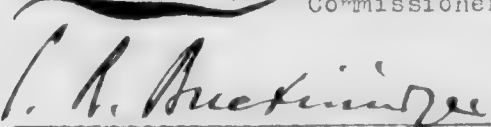
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Willie Billey should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

SEP 14 1902

Ardmore, I. T. February 17, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Ralls, of Atoka, Indian Territory, any copies of the records in my case that under the rule of law the Commission may give out to Attorneys, as I have employed him to assist me in this case.

WITNESSES TO MARK:

Seppin Fane
Joseph P. P. P.

Willie Billie

COP.

M.C.R. 3310

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Willie Billey as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission identifying the said Willie Billey as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

[Signature]
Acting Chairman

Registered
Enclosure G.H. 48

H.C.N. 3310

Muskogee, Indian Territory, March 11, 1903.

Willis Willey,

Osahoma, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIC)

Tamc Parby.
Chairman.

Registered.

Enc. 3310.

M.C.R. 3310.

Muskogee, Indian Territory, July 23, 1903.

Willie Billey,

Ardmore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Registered.

Commissioner in Charge.

Enc. 3310.

#1310.

No. 3210

For Identification as a Mississippi Choctaw.

AUG 2 1901

Name ^{Date} Willie Billey

Age 21 Blood free

Post Office, Okahoma, Miss

Father: Tom Billey d

Mother: Martha " L

Claims through both parents

Children:

(Claims for self only)

(See Miss. Choct. card
filed No. 112. Appearance
1/26, 99)

Stenographer

R. S. Street.

MISSISSIPPI CHOCTAW.

Willie Billey.

J. 3310

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

J. C. ... v. J. C.

Choctaw MCR 3311

Jennie Stephens

See MCR 3227

MCR 3311

3311

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 21, 1901.

In the matter of the application of Jennie Stephens for the identification of herself and two minor children as Mississippi Choctaws.

Jennie Stephens, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Jennie Stephens.
- Q How old are you? A Twenty eight
- Q What is your post office address? A Gaston, Alabama.
- Q What county? A Sumter county.
- Q How long have you lived in Sumter county? A I have been there all of my life.
- Q Is your father living? A No sir.
- Q What was his name? A Anderson Poteet.
- Q Is your mother living? A No sir.
- Q What was her name? A Mary Poteet.
- Q Through which one of these parents do you claim Choctaw blood? A Mother.
- Q How much Choctaw blood do you claim to have? A One quarter.
- Q How old would your mother be if she were living now? A I don't know exactly how old she would be.
- Q How old do you think she would be? A She would be sixty some odd
- Q Did she always live in Sumter county, Alabama? A Yes sir.
- Q Your mother was a slave, was not she? A Yes sir.
- Q And your father was a slave? A I don't know sir.
- Q Through which one of her parents did your mother derive her Choctaw blood? A Her father.
- Q What was his name? A Willis Thorne.
- Q Did you ever see him? A No sir.
- Q How long has he been dead? A I don't know sir.
- Q Where did he live during his lifetime? A I don't know sir.
- Q You know nothing whatever about him? A No sir.
- Q What was the name of your mother's mother? A Bettie. Lufton.
- Q Were Bettie Lufton and Willis Thorne married? A I don't know anything about that.
- Q Didn't you ever hear about that? A No sir.
- Q Bettie was a slave, was not she? A Yes sir.
- Q Was not Thorne a slave too? A I don't know sir.
- Q Did you ever see your grandmother Bettie? A Yes sir, I was quite small.
- Q Did Bettie and Thorne have any other children besides your mother? A Yes sir.
- Q How many? A Three others besides her.
- Q According to your statement, Thorne was a full blood Choctaw? A Yes sir.
- Q Did he speak or understand the Choctaw language? A I don't know sir.
- Q How long did he and your grandmother live together? A I don't know sir.

Jennie Stephens----2.

Q How did you get what information you have as to this man Thorne?
A From Buck McCorkle and Liza McCorkle.
Q Where do they live? A Near York.
Q How old are they? A I don't know exactly how old they are--
their ages is on this paper Liza--I think her name is on this paper.
Q Tell me about how old they are? A About eighty some odd I think.
Q What do they know about this man Thorne? A They say they knew he
was a full blood Choctaw.
Q Do you think you could get these people to come down here and tes-
tify in your case? A I don't know if I could. They are aged
people and I am really not able to bring them down. I heard that an
affidavit was just as good/

The affidavit is not as good as the personal appearance of a
witness. We will accept affidavits but they are not nearly as
good. We might be able to get facts from them very important
to you or to the nation.

Q Did Willis Thorne have an Indian name? A I don't know.
Q Do you know the names of either of his parents? A No sir.
Q Did your mother ever go to the Indian Territory? A No sir.
Q Have you ever been out there? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Has he any Choctaw blood? A Not that I know of.
Q You make no application for him? A No sir.
Q What is your husband's name? A Dock Stephens.
Q What is he? A A negro.
Q Have you any children? A Yes sir.
Q How many? A Two.
Q What are their names and ages? A B. C. Stephens.
Q How old is B. C.? A Eight years old.
Q Is that a boy or girl? A Boy.
Q Have not those letters B and C any meaning at all? A Just call
him B. C.
Q What is the next one? A Hassie.
Q How old is Hassie? A Six years old.
Q Is that a boy or girl? A Girl.
Q Is that all the children you have? A Yes sir.
Q This application is for yourself and two minor children? A Yes
sir.
Q Is your name or the name of either one of these children to be
found upon any of the Choctaw tribal rolls in Indian Territory? A No
sir.
Q Did you ever make application to the Choctaw tribal authorities in
Indian Territory for yourself or either of these children to be
admitted or enrolled as members of that tribe? A No sir.
Q Did you or any one for you or for your children in 1896 under
the act of Congress of June 10, 1896, make application to the Commis-
sion to the Five Civilized Tribes for citizenship in the Choctaw
Nation for yourself or either of these children? A No sir.
Q Have you ever made any application of any kind before today?
A No sir.
Q Do you now desire to make application for the identification of
yourself and two minor children as Mississippi Choctaws entitled to
rights in the Choctaw lands in Indian Territory under the provisions
of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that fourteenth article of the treaty of Dan-
cing Rabbit Creek? A No sir.

Jennie Stephens----3.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaw Indians occupied a portion of the state of Mississippi and a portion of the state of Alabama along the western line of the state of Alabama. The object of the treaty was to get the Indians to move from this country out west of the Mississippi river to a new country, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those desiring to remain here, the fourteenth article was put into the treaty. That fourteenth article is as follows: "Each Choctawhead of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article? A Yes sir, I reckon I do, I don't know exactly.

That fourteenth article referred to people who were living here nearly seventy one years ago Choctaw Indians. Suppose that you had been living here at that time and was a head of a family and desired to remain here in Mississippi. If you wanted to stay here and take land, the first thing necessary for you to do would be to go to the agent and let him know that you wanted to stay here and become a citizen and take land and not go out west to the new country. You must so notify him within six months from the time this treaty was ratified. The treaty was ratified on the 24th day of February, 1831. After you had so notified the agent of the government that you wanted to stay and take land, you were entitled to a reservation of one section of six hundred and forty acres of land, a piece of land a mile square. If you had a child in your family over ten years of age, you were entitled for that child to three hundred and twenty acres additional or one half section of land; if you had a child under ten years of age you were entitled to a reservation of a quarter section or one hundred and sixty acres for that child. The reservations of these children must adjoin yours, and the reservation must include the improvement you had on land in the old Choctaw nation here on the 27th day of September, 1831, the day this treaty was made. Further, you must live on this land five years from February 24, 1831, the

Jennie Stephens----4.

day the treaty was ratified. If you lived on that land for that period of time intending to become a citizen of the states, you were entitled to a grant in fee simple for this land; that is, the government would give you a deed conveying to you all its right, title and interest to the land, and after the receipt of this deed, you could dispose of the land at your own pleasure. These are the requirements of the fourteenth article of the treaty of Dancing Rabbit Creek. In other words, what I have enumerated to you are the things that a person must have done at that time to have complied with the provisions of that fourteenth article. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That simply meant that persons who might remain and take advantage of the fourteenth article by selecting land and living on it five years should not account of their having stayed here lose the privilege of a Choctaw citizen; but if they ever removed (that means moved out to the new nation west of the Mississippi) they should be deprived of the right to participate or share in the Choctaw annuities, or annual or yearly payments made to the Indians by the government under treaty provisions.

Q Do you think you understand that clearly now? A Yes, I reckon I do.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir.

Q Are you sure of that? A Not as I know of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A Not that I know of.

Q Did any of your Choctaw ancestors own any improvements here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1839? A No not that I know of.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the Agent of the government here in Mississippi their intention to remain in Mississippi and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek or under the supplement of that treaty? A Not as I know of.

Q Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the government of the United States under this old treaty of Dancing Rabbit Creek? A No sir, I never heard.

Jennie Stephens----5.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the name of Choctaw Indians who might desire to remain and become citizens of the states, and take advantage of the provisions of article fourteen of the treaty. The records of the government show that this agent failed to record the names of many Indians who did in fact signify to him their intention to remain here and become citizens, and on this account the government at its public land sales in many instances sold land upon which Choctaw Indians had improvements and which they supposed they would receive under the provisions of this fourteenth article. This action of the government in selling land on which Indians had improvements caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here in Mississippi and hear the cases of Choctaw Indians who claimed they had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their lands had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here in Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases, and Congress later passed another act, which was approved on the 23rd day of August, 1842, providing for the appointment of a second Commission to come down here in Mississippi and finish up the hearing of these Choctaw cases. This second Commission was duly appointed by the President of the United States and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your Choctaw ancestors appear before either one of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty, but that his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A Not as I know of.

Q So far as you know none of your ancestors have ever been recognized members of the Choctaw tribe of Indians, have they? A Not as I know of.

Q And none of them have ever received any benefits as such? A Not as I know of.

Q Do you know of any witnesses who would be able to support your testimony as to the amount of Choctaw blood, and your ancestry? A Yes sir.

Jennie Stephens-----6.

- Q Who are they? A Buck McGorkle and Liza McGorkle.
Q The same people you referred to earlier in your examination?
A Yes sir.
Q Are they the only ones who would be able to support your testimony? A They are the only ones I know of.
Q Do you think they would know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know whether they would or not.
Q Do you know of any one else who would know about that? A No.
Q Did you ever hear of or see any deed or patent conveying to any of your ancestor's land here in Mississippi under the provisions of this treaty of Dancing Rabbit Creek? A No sir.
Q Do you know of the existence of any written testimony that would support your testimony as to these important points in your case?
A I have some affidavits here.

Affidavits of Eliza and Buck McGorkle introduced in evidence, identified as Exhibit A, filed, and made a part of the records in this case.

- Q This is all the written evidence you have, is it? A Yes sir.

You will be allowed a reasonable time in which to submit any further written evidence if you see fit to do so, though we would like to have you offer it within a period of thirty days if you can. If you are able to bring any witnesses down here to Meridian, you may either bring or send them down here to give their testimony. It would be much better to have them come in person than to submit their affidavits.

- Q Is there anything further you would like to say in support of your case? A No sir.
Q Have you any sisters living? A Seven.
Q What are the names of these seven sisters? A Laura Marshall, Elizabeth Stephens; Ann Hall, Rhoda Dixon, Georgia Lawson, Clemmie Larkin and Mandy Ward.
Q Have they all been before the Commission? A All except one.
Q What is her name? A Mandy Ward.
Q She is here before the Commission for the purpose of making application now is she not? A Yes.
Q Did you ever have any other sisters? A I have had other sisters that died when they were small.
Q How many? A One of them.
Q She died when she was small? A Yes sir.
Q Did you ever have any brothers? A No sir, not to my knowledge.
Q Are any of your mother's brothers living? A One is living, I reckon.
Q What is his name? A Joe Thorne.
Q Where does he live? A I don't know where he lives.
Q Is he a full brother of your mother? A Yes sir.
Q Did she ever have any other brothers? A No sir, not as I know of.
Q Did your mother ever have any sisters? A Yes sir.
Q What were their names? A One of them was named Millie Thorne.
Q Did she marry? A I don't know sir.
Q Are any of her children living? A I don't know.
Q What is the other one? A Cornelia Thorne.
Q Did she have any children? A I don't know sir.

Jennie ~~was~~ Stephens----7.

Q When did she die? A I don't know whether she is dead or not.
Q You know nothing whatever of your mother's sisters? A No sir.
Q Do you know whether there are any others of the descendants
of this man Willis Thorne, your mother's father, living? A I don't
know sir.

This applicant has the appearance of being a negro and shows
no indications of being possessed of Indian blood. She does
not speak or understand the Choctaw language.

H.C.Risteen, having been first duly sworn, upon his oath states:
That as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled cause
on the 21st day of August, 1901, and that the above and foregoing is
a full, true and correct transcript of his stenographic notes of said
proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this
27th day of August, 1901.

[Signature]

Notary Public.

COPY

Muskogee, Indian Territory, September 4, 1902.

Jennie Stephens,
Gaston, Alabama.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3302
Georgia Lawson,	" 3302
Clennie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Mandie Ward, et al.,	" 3312

These applications were made under the provision of the act of Congress of June 28, 1892 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Jennie Stephens

Said decision concludes as follows:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Beanie Marshall, Elisabeth Stephens, Annie Hall, Rhoda Dixon, Glennie Dixon, Johnnie Dixon, Clarissa Dixon, Alma Dixon, Minnie Dixon, Anderson Dixon, Georgia Larsen, Glennie Larkin, Lizzie Larkin, Jennie Stephens, B.C. Stephens, Hattie Stephens, Mandie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joanna Ward as choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Davis
Acting Chairman.

Registered.

M.C.R. 3311

Muskogee, Indian Territory, December 22, 1902.

Jennie Stephens,

Gaston, Alabama.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Acting Chairman.

#1111

No.

3211

For Identification as a Mississippi Choctaw.

Date AUG 21 01

Name Jennie Stephens

Age 28

Blood

Post Office,

Gaston, Ala

Father: Anderson (Potter)

d

Mother: Mary

d

Claims through Mother

Husband Dock Stephens (dead) L
(no claim as husband)

Children:

B. C. Stephens (M) 8

Hattie " (F) 6

(Claims for self and 2
minor children)

Stenographer

H. C. Ritten

Choctaw MCR 3312

Mandie Ward

See MCR 3227

MCR 3312

3312

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 21, 1901.

In the matter of the application of Mandie Ward for the identification of herself and four minor children as Mississippi Choctaws.

Mandie Ward, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mandie Ward.
Q How old are you? A Twenty three.
Q What is your post office address? A Alamuchee.
Q Alabama? A Yes sir.
Q What county? A Sumter county.
Q How long have you lived in Sumter county? A Twenty three years.
Q All your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Anderson Poteet.
Q Is your mother living? A No sir.
Q What was her name? A Mary Poteet.
Q Through which one of your parents do you claim Choctaw blood.
A Mother.
Q How much Choctaw blood do you claim to have? A One quarter.
Q How old would your mother be if she were living now? A I don't know, she would be somewhere about sixty or seventy; I couldn't tell you exactly.
Q Your mother you claim was a half blood Choctaw? A Yes sir.
Q Did she speak or understand the Choctaw language? A She did not.
Q Did she look anything like a Choctaw Indian? A Yes sir.
Q Tell us how she looked? A She was brighter than I am, with straight black hair. She had brown eyes and complexion like them.
Q What else? A I don't know what else.
Q That is all you can think of that makes you think she was a Choctaw? A Yes sir, I reckon so.
Q Through which one of her parents did your mother derive her Choctaw blood? A Father.
Q What was his name? A Willis Thorne.
Q Did you ever see him? A No sir.
Q How do you know he was a Choctaw Indian? A By people that said they knowed him.
Q Who told you that knew him that he was a Choctaw? A Buck McCorkle and Liza McCorkle.
Q Where do they live? A Near York.
Q Alabama? A Yes sir.
Q How old are they about? A Eighty some odd.
Q They knew your grandfather, Willis Thorne, to be a full blood Choctaw did they? A Yes sir.
Q How old would Willis Thorne be if he were living now? A I don't know.
Q What was your mother's mother's name? A Bettie.
Q She and your mother were both slaves were they not? A I don't know sir; my mother was a slave, but I don't know whether her mother was or not.
Q Was Willis Thorne and your grandmother married? A I don't know sir.
Q Didn't you ever hear? A No sir, I never heard nothing about that.

Mandie Ward----24

- Q You have heard Buck and Liza McCorkle say that your grandfather was a full blood Choctaw---Didn't you ever hear them say anything about whether your grandmother and grandfather were married? A No, sir.
- Q Do you know how long they lived together? A No sir.
- Q Do you know whether they ever lived together as man and wife? A No sir, I don't know.
- Q How many children did they have? A Four.
- Q Do you know the names of either of the parents of Willis Thorne? A No sir.
- Q Did he have a Choctaw name? A I don't know sir.
- Q Did he speak or understand the Choctaw language? A I don't know sir.
- Q Has your mother ever been out to the Indian Territory? A No sir.
- Q Have you ever been there? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A John Henry Ward.
- Q Has he any Choctaw blood? A Not that I know of.
- Q You make no application for him then? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Four.
- Q What are their names and ages? A Henry.
- Q How old is Henry? A Seven.
- Q Next one? A Ada.
- Q How old? A Five.
- Q Next one? A Cleveland.
- Q That is a boy, I suppose. A Yes sir.
- Q How old? A Three.
- Q Next one? A Joanna.
- Q How old is Joanna? A Eight months.
- Q Are you the mother of these four children? A Yes sir.
- Q What is the name of their father? A John Henry Ward.
- Q Is he the father of all of them? A Yes sir.
- Q This application then is for yourself and four minor children? A Yes sir.
- Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever made any application of any description for yourself or any of these children prior to this time or has any one else ever made such an application for you or them? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Not plain.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time

Mandle ward---3.

this treaty was made, the Choctaw Indians lived here in Mississippi and along the western boundary of the state of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. Some of the Indians here at that time, nearly seventy one years ago, were unwilling to move out to the new country west of the Mississippi, and for the benefit of those who desired to stay here, the fourteenth article was put into the treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article? A I think I can understand that article.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits thereunder? A No sir.

Q Were any of your Choctaw ancestors living here in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty was made?

A No sir.

Q Do you understand what I mean by ancestors? A Yes sir.

Q Where were they living at that time? A I don't know exactly.

Q Did any of your Choctaw ancestors own any improvements on land here in Mississippi or Alabama in what constituted the old Choctaw nation at the time this treaty was made? A I don't know sir.

Q Were any of them recognized members of the tribe here at that time?

A Not as I know of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the Agent of the Government here in Mississippi their intention to remain and become citizens of the states? A Not as I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States as beneficiaries under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Mandle ward-----4.

Q Did any of your ancestors ever receive any land from the government under the provisions of any other article of the treaty or under the supplement of that treaty? A No sir.

Q So far as you know none of your ancestors have ever received any land here in Mississippi from the government of the United States? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here in Mississippi and become citizens of the states and take advantage of the provisions of that fourteenth article. The records of the government show that this agent failed to record and report to the government the names of many Indians who did in fact signify to him their intention to remain and become citizens of the states. On this account, the government at its public land sales, in many instances sold land upon which Choctaw Indians had improvements and which they supposed they would receive under the fourteenth article of the treaty. This action of the government in selling the land upon which the Choctaws had improvements caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. This Commission was duly appointed by the President and the Commission came down here to Mississippi and heard a great many of these cases, but in the time allowed them under the acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases, and Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of a second Commission to come down here and finish up the hearing of these Choctaw cases. That second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty, but that his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi or in Louisiana, Alabama, or Arkansas from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A Not as I know of.

Mandie Ward-----5.

Q So far as you know none of your ancestors ever received any benefit whatever as Choctaw Indians? A No sir.

Q And none of them were recognized members of the tribe back as far as you know? A No sir.

Q Have you any witnesses before the Commission that you want to introduce? A No sir, nothing but this paper.

Affidavits of Buck McCorkle and Eliza McCorkle offered in evidence, identified as Exhibit A. filed and made a part of the record in this case.

Q This is all the written evidence you have? A Yes sir.

Q Do you know of any person living who would be able to support your testimony as to your ancestry, the amount of Choctaw blood you have and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 or ever received any benefits thereunder? A I suppose Eliza and Buck McCorkle.

Q They are the people who live up at York, Alabama? A Yes sir.

Q Do you think you can get them to come down here and testify in your case? A No sir, they are pretty aged; I don't suppose I could get them down here.

Q You don't know of any one else besides them? A No sir.

You will be allowed a reasonable time in which to submit further written evidence as you see fit to offer, but we would like to have you file it within thirty days if you can. If you care to introduce any witnesses in support of your application, you may either bring or send them here to Meridian, within a reasonable time and we will hear their testimony.

Q Are there any further statements you want to make in support of your application? A No sir.

Q Have you any sisters living? A Yes sir, seven.

Q Give us their names? A Laura Marshall, Elizabeth Stephens, Ann Hall, Rhoda Dixon, Georgie Lawson, Clemmie Larkins and Jennie Stephens.

Q Did you ever have any other sister? A One died when she was small.

Q Did you ever have any brother? A No sir.

Q Did your mother ever have any brothers? A One.

Q Is he living? A I suppose he is.

Q What is his name? A Joe Thorne.

Q Where does he live? A I don't know sir, exactly.

Q Has he been before the Commission? A Not that I know of.

Q Did your mother ever have any sisters? A Yes sir.

Q How many? A Two.

Q What are their names? A Cornelia Thorne and Millie Thorne.

Q Are either of them living? A I don't know sir.

Q Did you ever see them? A No sir.

Q Were they full sisters of your mother? A Yes sir.

Q You know nothing whatever of them or any of their descendants?

A No sir.

Q Do you know of any other descendants of Willis Thorne? A No sir.

This applicant has the appearance of being a negro, and shows

Maddie Ward-----8.

no indications of being possessed of Choctaw blood. She does not speak or understand the Choctaw language.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of August, 1901.

[Signature]

Notary Public.

M.C.R. 3312

COPY.

Muskogee, Indian Territory, September 4, 1902.

Mandie Ward,

Alamuchee, Alabama.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi

Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Lawson,	" 3308
Clensie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Mandie Ward, et al.,	" 3312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Mandie Ward-2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Bennie Marshall, Elizabeth Stephens, Annie Hall, Rhoda Dixon, Clemmie Dixon, Johnnie Dixon, Clarissa Dixon, Alma Dixon, Minnie Dixon, Anderson Dixon, Georgia Lawson, Clemmie Larkin, Issie Larkin, Jennie Stephens, B.C. Stephens, Hassie Stephens, Mandie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joanna Ward as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of the action as may be taken by him.

Yours truly,

James D. Dwyer
Acting Chairman.

Registered.

COF

H.C.R. 3312

Muskogee, Indian Territory, December 22, 1902.

Mandie Ward,

Alamuchee, Alabama.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Acting Chairman.

#1312

No. 3312

For Identification as a Mississippi Choctaw.

Date AUG 1901

Name Mandie Ward

Age 23

Blood 1/4

Post Office, Alamuchee, Ala

Father: Anderson Poteet

d

Mother: Mary

d

Claims through mother

husband John Henry Ward

d

(no claim for husband)

Children:

Henry Ward

7

Ada

5

Cleveland

(M) 3

Joanna

8 mo

(Claims for self and 4 minor children)

Stenographer

A. P. Peters

Choctaw MCR 3313

Jennie Parker

MCR 3313

DEPARTMENT OF THE INTERIOR. ~
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jennie Parker, et al.,
for identification as Mississippi Choctaws, M.C.R.3313.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Jennie Parker, et al.

Original application of Jennie Parker, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws1

Decision of the Commission refusing the application
of Jennie Parker, et al., for identification
as Mississippi Choctaws?

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33/3

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 21, 1901.

In the matter of the application of Jennie Parker, for the identification of herself and two minor children as Mississippi Choctaws.

Jennie Parker, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Jennie Parker.
- Q What is your age? A Thirty years old.
- Q What is your post office address? A Bailey.
- Q Mississippi? A Yes sir.
- Q What county? A Lauderdale.
- Q How long have you lived in Mississippi? A All my life.
- Q Always lived in this county? A No sir, I was born in Neshoba.
- Q Is your father living? A No sir.
- Q What was his name? A Thornton Payne.
- Q Is your mother living? A No sir.
- Q What was her name? A Hannah Payne.
- Q Through which one of your parents did you derive your Indian blood? A My mother.
- Q How much Choctaw blood do you claim to have? A My grandfather was a half Indian, my mother's father.
- Q Did your mother's mother have any Choctaw blood? A No.
- Q Then you would be one eighth, wouldn't you? A Yes sir.
- Q How old would your mother be if she were living now? A She would be about sixty years old.
- Q How long has she been dead? A She has been dead about seventeen years.
- Q What was your mother's father's name? A Sam Gilmore.
- Q He was one half Choctaw? A Yes sir.
- Q What was the other half? A I don't know sir.
- Q Did you ever see him? A No sir.
- Q Do you know anything about him at all? A No, no more than what I have heard.
- Q Do you know where he lived during his life time? A No sir,-- he lived here in Mississippi.
- Q What county? A Lauderdale county, I reckon. In fact he did live in Lauderdale.
- Q He you claim was one half Choctaw? A Yes sir.
- Q Do you know whether he spoke or understood the Choctaw language? A No sir.
- Q Was he lawfully married to your mother's mother? A I reckon, I don't know sir.
- Q Did they have any other children besides your mother? A Yes sir.
- Q How many? A Three.
- Q Your mother was a slave, was she not? A Yes sir.
- Q And your father too? A Yes sir.
- Q And your mother's father? A Yes sir.
- Q Through which one of his parents did Gilmore get his Indian blood? A I don't know sir.
- Q Do you know the names of either of his parents? A No sir.

Jennie Parker----2.

- Q Has your mother ever been in Indian Territory? A No sir.
Q Have you ever been there? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Has he any Indian blood? A Not that I know of.
Q You make no claim for him then? A No sir.
Q What is he? A Black man, I reckon.
Q What is his name? A Oliver Parker.
Q Did your mother have any Choctaw name? A I don't know.
Q Did your mother's father have any Choctaw name? A I don't know sir.
Q You don't speak or understand the Choctaw language, do you? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Two.
Q What are their names and ages? A One is two years old named Carrie May.
Q Next one? A Georganna.
Q How old? A Seven months.
Q These children both live with you at this time? A Yes sir.
Q You are the mother of both of them? A Yes sir.
Q What is the name of their father? A Oliver Parker.
Q This application then is for yourself and two minor children? A Yes sir.
Q Is your name or the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know what you mean.
Q The tribal rolls are lists of people that belong to the Choctaw tribe out there, prepared by the Choctaws. Is your name or the name of either one of these children on any of these rolls? A I don't know.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No sir.
Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I don't know sir.
Q You know that you didn't make any application? A No sir, I did not.
Q And do you know if anybody else did for you? A No sir.
Q Did you ever make any application before today? A No sir.
Q Do you ~~xx~~ now desire to make application for identification of yourself and two minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, nearly seventy one years ago, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaw Indians lived here in Mississippi and over along the western edge of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river, a part of which is now occupied by the main part of the Choctaw tribe of Indians. Some of the Indians at that time

Jennie Parker----3.

were unwilling to remove to the new country west of the Mississippi river, and for the benefit of that class of Indians the fourteenth article was put into the treaty? And that fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek, do you think you understand that? A No sir, I don't understand it.

We will suppose for example that seventy one years ago when this treaty was made you were a Choctaw head of a family and that you decided that you wanted to stay here in Mississippi and become a citizen of the states under that article, and take land. The fourteenth article says if you want to stay here, you must within six months from the time this treaty was ratified let the agent of the Government know your intention; then you should be entitled to a reservation of one section of six hundred and forty acres of land for yourself, and if you have a child over ten years of age, for that child you are entitled to three hundred and twenty acres, and if you have a child under ten, for that child you are entitled to one hundred and sixty acres. That treaty was ratified on the 24th day of February, 1831, so you see it would be necessary for you to have let the agent know your intention within six months from this date. After the reservation had been made for you if you lived on that land five years from the day the treaty was ratified, you were entitled to a grant in fee simple for the land; that is, the government would give you a deed or patent to it, conveying all its right, title and interest in the land to you, and you would then have the right to sell or dispose of the land at your own pleasure. These are the requirements of the fourteenth article of the treaty of Dancing Rabbit Creek.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article? A Not as I know of.

Q Did any of them ever receive any benefits under it? A No sir, not as I know of.

Q What one of your Choctaw ancestors was living here at the time the treaty was made, seventy one years ago? A I don't know sir.

Q Were any of your Choctaw ancestors recognized members of the tribe here at that time? A Not that I know of.

Jennie Parker-----4.

- Q Did any of your Choctaw ancestors own any improvement here in the old Choctaw Nation at that time? A No sir.
- Q Do you know about that? A No sir, not as I know of; I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government here in Mississippi their intention to stay in Mississippi and become citizens of the states? A I don't know sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement to that treaty? A I don't know what you mean.
- Q Do you know what a treaty is? A Yes sir.

What I mean by an article of a treaty is one part or paragraph of a treaty. The treaty is made up of several paragraphs the fourteenth article is one of these paragraphs, the fifteenth is another one and the nineteenth is another one. You stated you don't know whether they got any land under the fourteenth article.

- Q Did they ever get any land from the government under that treaty? A I don't know.
- A If any of your ancestors ever received any land from the government under the provisions of the treaty of Dancing Rabbit Creek, you never heard of it? A No sir.
- Q And you don't know the names of any of your Choctaw ancestors who were at that time recognized members of the tribe here? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government directed an agent here in Mississippi to register the names of Choctaw Indians who desired to remain here in Mississippi and become citizens of the states. The records of the government show that that agent failed to record the names of many Indians who did in fact signify to him their intention to remain and become citizens of the states; and on this account, the government at its public land sales in many instances sold land upon which the Indians had improvements and which they supposed they would receive from the government under this fourteenth article of the treaty. This action of the government in selling land upon which Indians had improvements occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaw Indians who claimed they had complied with all the provisions of article fourteen of the treaty, but that their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi in 1837 and 1838 and heard some of these Choctaw

Zennie Parker-----5.

cases, but in the time allowed them by the acts of Congress under which they were appointed they were unable to dispose of but a comparatively small number, and further legislation became necessary; and Congress passed an act which was approved on August 23, 1842, providing for the appointment of another Commission to come down here and finish up the work of hearing these Choctaw cases. That second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of that treaty? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land else where in Mississippi, or in Alabama, Louisiana or Arkansas, and to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A Not that I know of.

Q Have you any witnesses before the Commission today that you want to introduce in support of your application? A No sir, not right now.

Q Are there any persons living who would be able to support your testimony as to the amount of Indians blood you possess and as to your ancestry, and also as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any one.

Q Do you know of any one that could testify as to the amount of Choctaw blood you have? A Yes sir.

Q Who could testify as to that? A There is a man.

Q Who is he? A Solomon Johnson.

Q Where does he live? A He lives here in town.

Q Is he any relation to you? A No sir.

Q Is there any one else that can testify as to that point? A I don't know sir whether there is or not.

Q Have you any written evidence of any kind you want to offer? A No sir.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors by the government conveying to them land here in Mississippi under the provisions of this treaty of Dancing Rabbit Creek? A No sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of your application and in which to cause witnesses to appear before the Commission to testify in your behalf. We would like to have you furnish this evidence within a period of thirty days from this date, if you see fit to furnish it at all.

Q Have you any brothers living? A Yes sir.

Jennie Parker-----6.

- Q How many? A Five.
- Q Have they been before the Commission? A I don't know sir.
- Q Where do they live? A Two of them live here in town.
- Q Where do the others live? A Two in Mobile and two in Rankin county---I have six brothers.
- Q What are their names? A Hannibal Payne, John Payne, Thornton Payne, Melvin Payne, Gus Payne and Sam Payne.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Three.
- Q What are their names? A Isabella Jackson, Margaret Jackson and Caroline Jackson.
- Q Where do these sisters live? A Two of them live in the neighborhood of Bailey Post office.
- Q Where does the other one live? A The other one lives about five miles northwest; she gets her mail here in town.
- Q Are any of your mother's brothers living? A No sir.
- Q Are any of the children of any of your mother's brothers living? A No sir.
- Q Did your mother ever have any sisters? A Yes sir.
- Q How many? A Two.
- Q Are either of them living? A No sir.
- Q Are any of the children of either of them living? A Yes sir.
- Q Where do they live? A Some of them in Alabama and some in Lauderdale.
- Q What are the names of your mother's oldest sister's children? A Hirm Waters, John Waters, Julia Ann, Lettie Ann, Price Elmira and Moses.
- Q What was their mother's name? A Matilda Waters.
- Q What was their father's name? A Jim Waters.
- Q What are the names of the other sister's children? A Preston Simmons, Rufus Simmons and Sherman Simmons.
- Q What was their mother's name? A Marinda Simmons.
- Q Full sister of your mother? A No, half sister; the other was a full sister.
- Q Did this sister have the same father or different father? A Different father.
- Q She had no Indian blood? A No sir.
- Q Are there any further statements you desire to make at this time? A No sir.

This applicant has long straight black hair; her cheek bones are high, but her color and complexion would indicate that negro blood largely predominates. She has however the appearance of being possessed of fully as much Indian blood as is claimed by her, if not more.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of August, 1901.

H.C. Risteen

[Signature]

Notary Public

J. G. H.
Cove.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Jennie Parker, et al.,
for identification as Mississippi Choctaws, M.C.R. 3313.

--: D E C I S I O N :--

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Jennie Parker for herself and her two minor children, Carrie May
and Georganna Parker, under the following provision of the act of
Congress approved June 26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, on reason of being descendants

of one Sam Gilmore, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sam Gilmore, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Parker, Carrie May Parker and Georganna Parker, (as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said

article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED.

Tame Dixey.
Acting Chairman.

SIGNED.

T. B. Needles.
Commissioner.

SIGNED.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 23 1902

COPY

M.C.R. 3313

Muskogee, Indian Territory, October 23, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jennie Parker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Parker, Carrie May Parker and Georganna Parker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

M.H.M. & C.-----2

time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

COPY.

M.C.R. 3313

Muskogee, Indian Territory, October 23, 1902.

Jennie Parker,

Osley, Mississippi.

Dear Madam:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jennie Parker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Parker, Carrie May Parker and Georganna Parker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in this

Jennie Parker-----2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Wm. D. Dwyer
Acting Chairman.

Registered.

COPY.

H.C.R. 3313

Muskogee, Indian Territory, November 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jennie Parker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 23, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 Enclosure. M C R 3313

Land.
67823-1902.

(COPY)
Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Jennie Parker for herself and her two minor children, Carrie May and Georganna Parker, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 23, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from Sam Gilmore. They claim that their ancestor was a Choctaw Indian, and a resident of the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the party through whom they claim does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to Sam Gilmore, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw

:---2---:

treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. TONNER.

Acting Commissioner.

E.B.H. (E.)

D.C. 5263

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DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 1298-1903.
L R S

February 19, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T

Gentlemen:

November 8, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Jennie Parker and her minor children, Carrie May and Georganna Parker, including your decision of October 23, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Sam Gilmore who is alleged to have been a half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw nation, or that said Sam Gilmore or an ancestor less remote complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Upon a careful review of the whole record the Department affirms your decision.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

M.C.R. 3313

Muskogee, Indian Territory, March 5, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Jennie Parker, et al., of which decision you were advised by mail on the 23rd day of October, 1902.

Respectfully,

Tamm Dickey

Chairman.

M.C.R. 3313.

Muskogee, Indian Territory, March 5, 1903.

Jennie Parker,

Bailey, Mississippi.

Dear Madam:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jennie Parker, et al., of which decision you were advised by registered mail on the 23rd day of October, 1902.

Respectfully,

Tamc Blay.

Chairman.

#1313

No. 3213

For Identification as a Mississippi Choctaw.

Date AUG 1911

Name Jennie Parker

Age 30 Blood 1/8

Post Office, Bailey, Miss.

Father: Thornton Parker d

Mother: Hannah d

Claims through mother

husband Oliver Parker 5
(no claim for husband)

Children:

Carrie May Parker 2

Georgianna " 7 mo.

(Claims for self and
2 minor children)

Stenographer

A. A. Risteen

Choctaw MCR 3314

Evan M. Gavin

See MCR 3314

MCR 3314

3314

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 21, 1901.

In the matter of the application of David C. Gavin for the identification of his two minor children as Mississippi Choctaws.

David C. Gavin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A David C. Gavin.
Q How old are you? A Sixty.
Q What is your post office address? A Quitman, Mississippi.
Q How long have you lived there? A Three years, most of the time.
Q For what purpose do you appear before the Commission at this time?
A I appear before the Commission for the purpose of making application for the identification of my two minor children as Mississippi Choctaws.
Q Is the mother of these two children living? A No sir.
Q What was her name? A Jane M. Gavin.
Q How long has she been dead? A She has been dead six years.
Q How old would she be if she were living now? A Fifty three.
Q These two children are living with you now? A Yes sir.
Q What are their names? A Evan M. Gavin.
Q How old? A Fourteen.
Q Boy? A Yes sir.
Q Next one? A Janie.
Q How old? A Twelve years old.
Q They are both the children of yourself and Jane M. Gavin? A Yes sir, that is what she said about it.
Q You have no Indian blood yourself? A No sir, don't claim it.
Q How much Indian blood do you claim your wife had? A I couldn't say sir, how much. It had always been claimed that she had Indian blood in her, but I never paid attention enough to it to try and trace it back.
Q You cannot give us any idea about it? A They claimed she had one sixteenth.
Q Did the mother of these children always live in Mississippi?
A She lived there until after we were married; she was born and raised in Mississippi.
Q What county did she live in? A Clarke.
Q Where did she go after you were married? A Choctaw county, Alabama.
Q And lived there continuously until her death? A Yes, and after she died, I moved back to Clarke county.
Q These children lived in Choctaw county, Alabama, until you moved to Quitman? A Yes sir.
Q Through which one of her parents did the mother of these children get her Indian blood? A Mother.
Q What was her name? A Lucy Davis.
Q What was her maiden name? A Lucy Griffin.
Q Did you know her? A Yes sir.
Q She claimed to have one eighth Choctaw blood? A She claimed to have Indian blood, I don't know how much.
Q Did she look like an Indian? A She looked as if she had Choctaw blood, and her mother also.

David C. Gavin----2.

Q Describe her appearance? A She was rather dark skinned, black eyes and sallow complexion; she was getting along right smart in years before I know her. I didn't know her when she was young.

Q Did she speak or understand the Choctaw language? A I don't think she understood it well; I think I have heard her may be count in Indian.

Q She got her Choctaw blood through her mother? A Yes sir.

Q What was her mother's name? A Harriet Griffin; I knew the old lady well, but I couldn't tell you that I ever heard her talk or talked with her about the Indian blood.

Q What was her maiden name? A I don't know sir.

Q What was Lucy's father's name? A John Griffin.

Q You knew them both well? A Yes.

Q How long has Harriet Griffin been dead? A I couldn't tell you how long; it has been a good while. She died before I was married, and I have been married thirty five years; but I don't know how long before.

Q Describe her appearance? A She was very old, and looked like her daughters. All of her daughters--I knew several of them--they were all very dark and I could tell you they resembled the Indian a good deal---the whole family did. I heard that before I ever married into the family--that they had Indian blood in them; it was generally understood and talked.

Q Did you know it was Choctaw blood? A I heard it was Choctaw Indian; they went right into where it was Choctaw Nation, and I had heard old man Griffin speak about the Indians; he came in there when the Indians were there; I can remember when the Indians were there when I was a boy, and they were Choctaw Indians. I have heard old man Griffin speak about the Indians being with them, but I don't think I ever heard him say anything about the old lady's parents. I don't know that I did. I didn't pay no attention to it in those days. I just merely heard it talked that they had Indian blood in them, and it was generally understood they had Indian blood in them.

Q Did you know Harriet's mother or father? A No sir.

Q Do you know their names? A No sir, that is too far back for me. I suppose I was sixteen or seventeen years old when I got acquainted with the old lady and the old man, and she was old then. She was very small, dark skinned, and I wouldn't say positively what color her eyes were; I didn't charge my memory with it.

Q Do you know whether she spoke or understood the Choctaw language? A I do not.

Q Did she associate with the Choctaw Indians or white people?

A She associated with the white people.

Q You don't know whether she was a recognized member of the tribe here seventy years ago? A No sir.

Q Have you ever been out to the Indian Territory? A No sir.

Q Your wife never was there? A No sir.

Q Nor her mother Lucy never was there? A No sir.

Q Is the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw tribal authorities for either one of these children to be enrolled or admitted as members of that tribe, or did any one else ever make such an application? A If they did, I didn't know it.

Q Did you or any one else make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for

David C. Gavin----3.

these two children under the act of Congress of June 10, 1896?

A No sir.

Q Is this the first application that has ever been made for these children? A It is.

Q Do you now desire to make application for identification of these two minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians; that was nearly seventy one years ago. At that time, the Choctaw Indians occupied a portion of the state of Mississippi and a small portion of Alabama, along the western edge of the state. The object of that treaty was to get these Indians to remove from the country occupied by them here to a new country west of the Mississippi river, a part of which ~~is~~ now comprises the Choctaw nation. Some of these Indians were unwilling to remove out to the new country and for the benefit of those who preferred to stay here, the fourteenth article was put into the treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands ~~far~~ intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek, do you think you understand that? A I think I do.

Q Do you know whether any of the ancestors of your wife ever complied or attempted to comply with its provisions or ever received any benefits under that article? A If they ever did, I don't know it.

Q What one of your wife's ancestors was living here in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know unless her grandmother and grandfather might have been.

Q Harriet Griffin you mean? A Yes, I suppose she was, but I wouldn't swear she was because I don't know.

Q Do you know where she came from to this country? A No sir, I don't.

Q Do you know when she came here? A No sir.

Q Were any of your wife's ancestors recognized members of the Choctaw tribe here at that time? A I don't know.

David C. Gavin-----4.

Q Did any of them own any improvement here at that time in the old Choctaw Nation? A Her grandfather and grandmother had improvements. They had a place and a great deal of stock; they had it when I knew them; that is only a supposition that they were here then.

Q When you knew them was about 1856? A Yes.

Q When you first knew them when they had any improvements was about 1856? A Yes.

Q And then they lived in Clarke County, Mississippi? A Yes, over on the east side of the county.

Q You have no idea how long they owned that place and those improvements? A They moved around there a good long time, because I know of two different places they lived before they lived on this place. And they had been there a good long time; it was an old place then where they lived--they had been there for years. I have heard my wife's mother Lucy speak about when she was a girl and lived there and when I knew her she was getting pretty old; he raised most of his family down in there.

Q Did any of your wife's Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1830 and 1838? A I couldn't tell you.

Q Did any of them within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government here in Mississippi their intention to remain in Mississippi and become citizens of the states? A I couldn't tell you that.

Q Did any of them ever receive or claim any land here in Mississippi as beneficiaries under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q You never heard of them getting any land under that article?

A No sir.

Q Did any of your wife's ancestors ever receive any benefits under any other article of that treaty or under the supplement? A Not that I know of.

Q So far as you know, none of your wife's ancestors ever received any benefits as Choctaw Indians? A No.

Q And you don't know of any of them who were recognized members of the tribe? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here and become citizens of the states, and take advantage of the provisions of that fourteenth article. The records of the government show that this agent failed to record the names of many Indians who did in fact signify to him their intention to remain here and take advantage of the provisions of article fourteen of that treaty. On this account, the government at its public land sales in many instances sold land upon which these Indians lived and had improvements and which they supposed they would receive from the government under the fourteenth article of the treaty. And the land was of course taken from the Indians. This action of the government occasioned a great deal of complaint among them and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1857, providing for the appointment of a Commission to come down here and hear the cases of Choctaw Indians who claimed they had complied in all respects with the

David C. Gavin-----5.

provisions of article fourteen of the treaty but their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down to this country and heard some of these Choctaw cases, but in the time allowed them by the acts of Congress under which they were appointed, they were unable to hear but a comparatively small number of these cases. So further legislation on the question became necessary, and Congress passed another act, on August 23, 1842, providing for the appointment of another Commission to come down here and finish up this work. That second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your wife's ancestors appear before either one of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I couldn't tell you. If they did, I never heard of it.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of that treaty, but that his land had been sold by the government he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana and Arkansas, from vacant government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your wife's ancestors ever get any of this scrip from the government of the United States under this act of Congress? A If they did, I never heard anything about it.

Q You never heard of such a thing? A I never heard of them getting any; I heard of the scrip.

Q Did you ever see or hear of any deed or patent issued to any of your wife's ancestors covering land here in Mississippi received from the government under the treaty of Dancing Rabbit Creek? A No sir, I don't know that I ever did.

Q Do you know of any one living who would be likely to know as to whether any of your wife's ancestors did comply or attempt to comply with the provisions of this fourteenth article or ever received any benefits thereunder? A I know of two very old men. One of them, old man Bowles, he is a very old man, and he was very intimate with the Griffins and the Davises and associated with them, and he still lives up in Clarke county, not very far from where this Griffin family sprang from.

Q Do you know of any others who would likely know about this? A Another old man by named of Newt Collins, that this old lady raised. He is a very old man, and I have heard since this thing was started that he said he knew they were Indians, that they were Choctaw Indians--That is mere hearsay.

Q Do you think you could get these witnesses to come here? A I think I could; but how would it do to carry them before a magistrate.

The verbal testimony of a witness before the Commission would be better than to have their affidavits.

Q Do you know of any other witnesses? A Old man Carmichael also, but

david C. Gavin-----6.

he is not able to come. It is very likely that he would know.

If you can bring them before the Commission within a reasonable time, we will be glad to take their testimony. If you cannot get them to come up here, we will accept their affidavits --that is, we will accept them for what they are worth.

- Q Have you any documentary evidence to present now? A No sir.
Q Has your wife any sisters? A Yes sir, two.
Q Are they living? A Yes sir.
Q What are their names? A Harriet Dedwilder and Deborah Ann Mc-London.
Q Have either of these sisters been before the Commission yet? A No sir.
Q Did your wife have any brothers? A Yes sir.
Q Are any of them living? A Yes sir, Charles W. Davis and Edward T. Davis; they have both been fore the Commission.
Q Did she have any other brothers? A No sir, not that lived.
Q Did she have any that grew up? A No sir.
Q Did she have any other sisters that grew up to womanhood? A No, sir.
Q Did your wife's mother ever have any brothers? A Yes sir.
Q How many? A Three that I know. Jim Griffin, Thomas Griffin and John Griffin--he has been dead for years. Jim is dead too.
Q Thomas is living? A Yes sir.
Q Where does he live? A He lives in this county or Clarke.
Q How long has Jim been dead? A I don't know, not a great while; I suppose four or five or six years.
Q Are any of his children living? A Yes sir.
Q Did you know them? A He had five girls, Eliza Denham, Harriet Loper--I don't know--they moved off before the other married and I don't know the names of the others; they called one Pone and one Duck and Nan.
Q When did John die? A He died, I think, during the rebellion. He died in the confederate army.
Q Are any of his children living? A Yes sir, two.
Q What are their names? A Martin Griffin and Jim Griffin, and he had a girl who married a man by name of R.L. Nichols who lives near Quitman.
Q Did Thomas B., James and John Griffin have any sister besides your wife? A Yes sir.
Q What were their names? A Margaret Gunn, Nancy Buckalew and Lucy Davis were all sisters; that is all I know.
Q Is Margaret Gunn living? A Yes sir.
Q What is her husband's name? A H.S. Gubb--they call him Sabe.
Q Is Nancy Buckalew living? A Yes sir.
Q What was her husband's name? A Allen Buckalew.

Special reference is here made to the testimony in the Nancy Buckalew case and the Thomas B. Griffin case.

- Q Have you any children of age? A Yes sir.
Q How many? A Six.
Q What are their names? A Rosier S. Gavin, Charles Rufus Gavin, George Edward Gavin, David L. Gavin, Ada Powers and Lillie Jackson.

H.C. Risteen, having been first duly sworn upon his oath states

David C. Gavin-----7.

That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. H. Rusten

Subscribed and sworn to before me at Meridian, Mississippi, this 29th day of August, 1901.

[Signature]

Notary Public.

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
O. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING.

M. C. R. 2337

H.C.A. 3514

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Evan S. Gavin,

Quitman, Mississippi.

Dear Sir:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
Fannie Bowles,	" 3323
Lucy J. Slay, et al.,	" 3324
Harriet I. Carmichael, et al.,	" 3325
Mary M. Dunnam, et al.,	" 3333
Deborah Ann McLendon, et al.,	" 3334
John E. McLendon,	" 3335
Rosier A. McLendon,	" 3336
Norman Gunn,	" 3345
Henry S. Gunn, Jr., et al.,	" 3346
Harriet Dedwylder, et al.,	" 3347
Lucy J. Boykin, et al.,	" 3412
Sallie Davis,	" 3413
John C. Nickels, et al.,	" 3432
Maggie Thornhill, et al.,	" 3434
James C. Denham, et al.,	" 3457
Eva Jopes, et al.,	" 3458
Eliza J. Denham, et al.,	" 3459
James W. Raley, et al.,	" 3460
Emma Britton, et al.,	" 3464
Sallie Jacobs, et al.,	" 3477
John F. Gunn, et al.,	" 3558
Margaret D. Gunn,	" 3559
Alice Gunn,	" 3560
George W. Gunn,	" 3563
James J. Gunn,	" 3564
Harriet Loper, et al.,	" 3566
Alice Loper,	" 3567
Alexander Gunn, et al.,	" 3568
Mattie M. Gunn,	" 3569
Mary E. Gunn,	" 3570
William A. Gunn, et al.,	" 3603
George F. Griffin,	" 3604
Pauline Klopner, et al.,	" 3673
Alice Dunmire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bohway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

ONE

Registered.

M C R 3314

Muskogee, Indian Territory, December 5, 1902.

Evan M. Gavin,

Quitman, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

#1314

No. 3314

For Identification as a Mississippi Choctaw.

Date ¹⁴ 1

Name David C. Gavin

For his two minor children

Age 60

Blood

Post Office, Autman, Miss

Father:

Mother:

Claims through

wife Jane M. Gavin 716 d.

Children:

Evan M. Gavin ^(1/32) (M) 14

Janie " ^(1/32) 12

Cl.

Stenographer

H. C. Risteen

Choctaw MCR 3315

John L. Oakes

MCR 3315

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 23, 1901.

3315

In the matter of the application of John L. Oakes for the identification of himself and his two minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

John L. Oakes, being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A John L. Oakes.
Q O-a-k-e-s? A Yes.
Q What is your age? A Forty-five.
Q What is your post-office address? A Haynesville, Cleburne Parish, Louisiana.
Q How long have you lived there? A All of my life.
Q You never had a home outside of the State of Louisiana? A No sir.
Q What is your father's name? A Reuben Oakes.
Q Is he living? A No.
Q What is your mother's name? A Margareete Phipps.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A One-sixteenth or more.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or by the Authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Mollie Oakes.
Q Is she living? A Yes.
Q Do you make application for her? A No.
Q She is a white woman and makes no claim to Choctaw blood? A No.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes two.
Q Give the names and ages of these children? A Lawrence L. Oakes.
Q L-a-w-r-e-n-c-e? A Yes.
Q How old? A Fourteen.
Q Next? A Reuben F.,
Q How old? A Twelve.
Q These are your children? A Yes.
Q What is the name of their mother? A Mollie Oakes.
Q When and where were you married to her? A In Louisiana.
Q When? A In 1885 the 15th of November.
Q Did you get a license to marry? A Yes.
Q Were you married by an ordained minister or an official? A By an ordained minister.
Q Have you your marriage license and certificate here with you and wish to offer same in evidence? A I have not got it with me.

- Q It will be necessary for you to supply the Commission with evidence of your marriage in support of the application you make for your minor children.
- Q Is your name or are the names of your children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory?
- A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A I applied to the Choctaw council.
- Q When? A In eighteen ninety-seven.
- Q What was done with that application? A It was failed to pass on because I did not have the \$100.00 they demanded.
- Q How did you happen to apply to the Choctaw Tribal Authorities in eighteen hundred and ninety-seven? A How did I try.
- Q How did you happen to apply then? A Why I don't know that I know just how to answer that question? I applied to an attorney.
- Q Well did you not know that the Choctaw Council did not have any authority to hear applications for citizenship at that time? No I did not.
- Q You did not know that the law of eighteen hundred and ninety six gave authority to the Dawes Commission and the Choctaw Tribal Authorities to hear applications within ninety days of that date and that after ninety days from the passage of this act there was no authority for the Tribal Authorities to hear such applications? A No, I don't remember that I heard about that.
- Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship under the act of June 10th 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or the Dawes Commission? A We have not.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory, on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No we have not.
- Q You never made but the one application in 1897? A No that is all.
- Q What kind of an application do you want to make now? A I want to make an application under the treaty of 1830, act 14.
- Q You claim under article fourteen of the treaty of eighteen hundred and thirty? A Yes article fourteen.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A Little Grannie Taylor I suppose.
- Q What relation was she to you? A My great grand mother.
- Q How old is your mother? A Seventy-two.
- Q What is your mother's father's name? A James Scarborough.
- Q What is your mother's mother's name? A Betsy Scarborough.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q And your mother you say is seventy-two years old? A Seventy-two years old.
- Q Then Betsy Scarborough your grandmother must have been a married woman and the head of a family at the time this treaty was made in eighteen hundred and thirty? A Why I suppose her husband was the head of the family.
- Q Was she a Choctaw? A Yes.
- Q Then she would have been the Choctaw head of the family would she not? A Yes.

- Q How does it happen that you claim through your great grandmother instead of your grandmother? A The reason why I claim through my great grandmother in place of my grandmother, I don't claim through her before I do through my grandmother but I claim through both.
- Q I asked you a little while ago, what was the name of your ancestor who lived in the Choctaw Nation in eighteen hundred and thirty and you said Little Grannie Taylor your great grandmother? A Well I always was told that my great grandmother was living at that time and I suppose my grandmother too.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and the Western part of Alabama for the purpose of giving them land West of the Mississippi River in exchange for their land in those States and moving them to the Country West of the Mississippi River but some of the Indians did not want to go West and the other Indians would not sign any treaty until something was done for those who wanted to stay there, so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to remain in the State of Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides that:

Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article if those Choctaw Indians who did not want to come West would go to the Indian Agent there in Mississippi and tell him that they wanted to stay in Mississippi they would get land for themselves and their children from the government, and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of Choctaw citizens but if they ever removed would not get any portion of the Choctaw money. Now was your grandmother through whom you claim a married woman and the head of a family in eighteen hundred and thirty? A Yes.

- Q She therefore was not living with her mother and a part of her mother's family? A No I don't understand it that way.
- Q Within six months after the treaty of eighteen hundred and thirty was ratified a large number of Indians went to the Agent and told him that they wanted to stay in Mississippi but when the United States sent a locating agent down to locate the land for the Indians it was found that there were a great many who claimed that they had gone to the Indian Agent and told him that they wanted to stay whose names were not on the roll which the Indian Agent had made. This caused a great many complaints.

On March 3, 1837 and August 23, 1842, Congress passed acts appointing Commission to go down into Mississippi to look into this matter and find out which of these Indians had a right to land there in Mississippi. These Commissions took up and passed on several hundred cases. In those cases where the claims were allowed by the Commission, and approved by the Secretary of War and by the President if the land claimed by the Indians had not already been sold it was given to them. If the land had been sold they were given scrip which was redeemable at fifty cents per acre in land from any of the public lands in Mississippi Arkansas, Louisiana or Alabama. Did your grandmother Betsy Scarborough go to the Indian Agent there in Mississippi with six months after the treaty was ratified and tell him that she wanted to stay in Mississippi and take land there? A If she did I don't know it.

- Q Did she ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof that your grandmother Betsy Scarborough was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and to show that she signified her intention of staying there in Mississippi within six months after the treaty was ratified or that she attempted to do so. Have you any evidence on these points? A Yes sir, I want to introduce Mr. John Scarborough to identify me and my mother Mrs. Phipps.

Written application of John L. Oakes offered in evidence, Marked exhibit "A", filed and made a part of the record in this case.

Certified copies of two affidavits of John Scarborough, Two affidavits of M. C. Whittle, affidavits of J. E. Nelson, Wash Holly, P. J. Holly, Daniel Underwood and Alfred Harkins, two affidavits of Charles Smith, and two affidavits of Elijah Colbert, offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

- Q Why have you two certificates of the Notary attached to this copy? A Why it was just a mistake. She had an extra copy I reckon and just left it on there.
- Q Who is John Scarborough? A He is my uncle.
- Q He is the one whose testimony you want to introduce? A Yes.
- Q Do you know any of the people who make these affidavits besides John Scarborough? A No I do not.

Applicant excused.

Margarete E. Phipps called as a witness, duly sworn, testified as follows:

- Q What is your name? A Margarete E. Phipps.
- Q What is your age? A Seventy-two.
- Q What is your post-office address? A Haynesville, Louisiana.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you know John L. Oakes who has just applied here for identification as a Mississippi Choctaw? A Yes.
- Q What relation is he to you if any? A My son.
- Q He gets his Choctaw blood through you? A Yes.
- Q Does he get any Choctaw blood from any other source? A I do not know unless it is from his grand parents.

#5

- Q Well he gets that from you? A Yes.
Q What was your father's name? A James Scarborough.
Q And your mother's name? A Betsey Scarborough.
Q And which one of your parents claimed to be Choctaw? A My mother.
Q How much Choctaw blood did she claim to have? A one-fourth it seems like. One-fourth I think it was.
Q Your mother was a married woman and the head of a family in eighteen hundred and thirty was she not? A My mother
Q Yes? A I suppose so.
Q Well you was born seventy-two years ago, you must have been born about eighteen hundred and twenty nine? A Yes that is just when I was born, eighteen twenty-nine.
Q Well then your mother was a married woman and the head of a family in eighteen hundred and thirty? A Yes.

Witness excused.

John Scarborough called as a witness, duly sworn, testified as follows:

- Q What is your name? A John Scarborough.
Q What is your age? A Seventy-six.
Q What is your post-office address? A Durant Indian Territory.
Q Are you an applicant for Identification as a Mississippi Choctaw? A Yes.
Q Are you acquainted with John L. Oakes who has just made application? A Yes.
Q Do you know his mother? A Yes.
Q What relation are you to him if any? A Mrs. Phipps, his mother is my sister and he is my nephew.
Q He gets his Choctaw blood from your sister his mother? A He does, Yes.
Q And Mrs. Phipps is your full sister? A Full sister.
Q And gets her Choctaw blood from the same source you do? A Yes.
Q What is that source? A It comes from my mother.
Q And your mother's name is what? A Betsey Scarborough.
Q Then John L. Oakes, applicant in this case gets his Choctaw blood from the same common ancestor that you do? A Yes.

Witness excused.

applicant recalled. - - -

- Q Have you any other papers that you want to file at this time? A No.
Q Do you expect to introduce any other evidence in support of your application? A None that I know of.
Q Do you understand that in these affidavits there is no evidence to show whether your grandmother complied with the fourteenth article of the treaty of eighteen hundred and thirty? A Yes I think I do.
Q Can you secure any evidence on that point? A No more than I have.
Q Well but you have not got any on that point. The copies and affidavits which you have filed here tend to show the Indian blood of your grandmother but do not show whether she or her mother went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay.

- Now can you get any evidence on that point? A I do not know.
- Q You understand that it is material in your case? A Why I do not know. I do not so understand it.
- Q Did you not hear the statement that was made a few minutes ago that in order to be identified as a Mississippi Choctaw it would be necessary for you to show that your grandmother was a Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty and that she complied or attempted to comply with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A I do not think that I can get any more evidence than I have here.
- Q Well you understand the importance of trying to secure such evidence do you? A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, the Commission will accept the same and make it a part of the record in your case.

This applicant has brown hair, brown eyes and dark complexion but his features and general appearance are those of a white man and he does not show any traces of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his statement that his grandmother lived in the Choctaw Nation in eighteen hundred and thirty.

- Q Did your grandmother live in Mississippi in eighteen hundred and thirty? A Yes either Mississippi or Alabama. She lived in the Choctaw district there, that is the way I understand it.
- Q Did you ever see your grandmother? A No she died before I was ever born.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 4 day of September 1901.

G. Rosenwinkel
A. H. Lindebaugh
 Notary Public.

Muskogee, Indian Territory, September 9, 1901.

Mr. John D. Oakes,

Waynesville, Louisiana.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John S. Scarborough et al.
James Carpenter
William L. Mullens
Margaret Sanders
Margaret E. Pevato,

William D. Scarborough et al.
Everett T. Taylor et al.
Maggie Bradley
Josie Carpenter et al.

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on August 23, 1901, you appeared before this Commission at Atoka, Indian Territory, and applied for the identification as Mississippi Choctaws of yourself and two minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five

J.E.O. #2

Civilized Tribes at Atoka, Indian Territory, on Friday, November 8th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 3315

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 16, 1901

Mr. John L. Oakes,
South McAlester,
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 12th, enclosing marriage license and certificate between John L. Oakes and Mollie M. Collier, which you offer for filing in support of the application for identification as Mississippi Choctaws of John L. Oakes, et al., and the marriage license and certificate between Reuben L. Oakes and Ida O. Bridgeman, which you offer for filing in support of the application for identification as Mississippi Choctaws of Ida O. Oakes et al.

The same have been filed and made a part of the record in these cases, and will receive consideration in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

M.C.3315
M.C.3316.

[Signature]
Allison L. Aylesworth.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R. 3315

Muskogee, Indian Territory. May 31, 1902.

John L. Oakes,

Haynesville, Louisiana.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

John Scarborough, et al,	M. C. R.	252
Cora Ballard, et al,	M. C. R.	97
Ada Gailer, et al,	M. C. R.	98
Johnnie La Fayette Trotter	M. C. R.	99
William E. Pike, et al,	M. C. R.	100
Margaret E. Peveto,	M. C. R.	101
William J. Peveto, et al,	M. C. R.	102
Pinckney L. Scarborough, et al,	M. C. R.	103
Josie Carpenter, et al,	M. C. R.	165
James Carpenter,	M. C. R.	166
Margaret Sanders, et al,	M. C. R.	167
Carrie Pike,	M. C. R.	231
James E. Pike, et al,	M. C. R.	232
Mattie McDowell, et al,	M. C. R.	251
William D. Scarborough, et al,	M. C. R.	253
Sallie Mullins, et al,	M. C. R.	254
Susan Freeman, et al,	M. C. R.	255
Cornelius B. Scarborough, et al,	M. C. R.	256
John B. Mullins,	M. C. R.	257
Maggie Bradley,	M. C. R.	258
John S. Scarborough, et al,	M. C. R.	259
William A. Freeman, et al,	M. C. R.	260
William L. Mullins,	M. C. R.	261
Guy M. Granbury,	M. C. R.	286
Robert N. Scarborough, et al,	M. C. R.	442
Richard Elery Scarborough, et al,	M. C. R.	691
James J. Berry, et al,	M. C. R.	692
Margarete E. Phipps,	M. C. R.	3296
Lucy E. Langford, et al,	M. C. R.	3297
John L. Oakes, et al,	M. C. R.	3315
Guy Oakes, et al,	M. C. R.	3316
Lucy Bond, et al,	M. C. R.	3317
Amanda Eubanks, et al,	M. C. R.	4031

C. B. Granbury,	M. C. R. 4078
Alf Scarborough,	M. C. R. 4769
Sam Scarborough,	M. C. R. 4770
Wesley Scarborough,	M. C. R. 4771

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ermie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, D. I. Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cusbell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margaret E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED,

Six

Acting Chairman.

Registered.

M.C.R. 3315

Muskogee, Indian Territory, November 22, 1902.

John L. Oakes,

Haynesville, Louisiana.

Dear Sir:

You are hereby notified that on the 10th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Scarborough, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Chairman.

No. 3215

For Identification as a Mississippi Choctaw.

Date AUG 2nd 1901

Name John L. Oakes

Age 17 5^{ft} Blood 1/16

Post Office, Haynesville, La.

Father: Reuben Oakes (dead)

Mother: Margaret Phipps

Claims through mother

wife: Mollie Oakes
(no claim for her)

Children:

Lawrence L Oakes 14
Reuben T. " 12

Claims for widowed two
children.

Stenographer

G. Rosenwintal

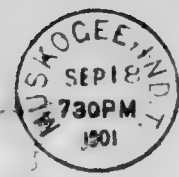


Enc. Vol. 11.

Mr. John L. Oakes

~~Charles M. Oakes~~

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. Ter.



OFFICIAL BUSINESS.
Penalty for private use, \$300.

Ms. 3315-16

CONFIDENTIAL

John L. Oakes et al

P. 3315

MAY 10 1902

Choctaw MCR 3316

Guy Oakes

MCR 3316

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 23, 1901.

3316

In the matter of the application of Ida O. Oakes for the identification of her three minor children, Guy, Daisy, and Mary Agnes Oakes, as Mississippi Choctaws.

Applicant not represented by Attorney.

Ida O. Oakes being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Ida O. Oakes.
Q O-a-k-e-s? A yes.
Q What is your age? A I am thirty-eight.
Q What is your post-office address? A Haynesville.
Q What State? A Louisiana.
Q How long have you lived there? A All my life.
Q Never had a home anywhere else? A No.
Q What is your father's name? A Thornton Bridgemond.
Q How? A T-h-o-r-n-t-o-n B-r-i-d-g-e-m-o-n-d.
Q Is he living? A No.
Q What is your mother's name? A Orry Bridgemond.
Q Is she living? A Yes.
Q For whom are you making this application? A For my minor children.
Q You do not make any claim for yourself? A No.
Q Is your husband living? A No.
Q What was his name? A Reuben L. Oakes.
Q Give the names and ages of the children for whom you wish to make application? A Guy, age sixteen. Daisy, age thirteen, Mary Agnes, age eleven.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Reuben L. Oakes.
Q How much Choctaw blood do you claim for these children?
A I don't know, their grandmother is one-eighth.
Q How much would your husband have been? A Their father would have been one-sixteenth.
Q The how much would the children have been? A I don't know.
Q One half of one-sixteenth? A Yes.
Q You know how much that is? A That would be one-eighth, you add eight on too sixteen, that would be one-twenty-fourth.
Q You don't know how much one-half of one sixteenth is? A One half of one-sixteenth is eight.
Q Don't you think your children would have been about one thirty-second? A Yes.
Q When and where were you married to Reuben L. Oakes? A I was married in Louisiana in 1882.
Q Have you your marriage license and certificate? A I have them at home.

It will be necessary for the Commission to be supplied with evidence of your marriage to Reuben L. Oakes in support of the application you make for your minor children. A I can produce it.

- Q Was your husband ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q Has any application ever been made for these children to the Choctaw Tribal Authorities in the Indian Territory to have them enrolled as members of that Tribe? A Yes.
- Q When? A In eighteen hundred and ninety-seven.
- Q Who made that application? A The lawyer, I did for them.
- Q Was your husband dead at that time? A Yes.
- Q And you made that application for them? A Yes.
- Q What was done with that application? A It was rejected.
- Q Did you or did any one for your children in eighteen hundred and ninety-six apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th 1896? A Ninety-six, No.
- Q Have they been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A I don't understand that question.
- Q Have they been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q The application made in ninety-seven to the Choctaw Tribal Authorities is the only application ever made for your children? A In Ninety-seven,--Yes the only one.
- Q What do you claim for your children now? A I claim that they are Mississippi Choctaws?
- Q What was their father's father's name? A James Scarborough.
- Q And what was their father's mother's name? A Margareete Phipps.
- Q Now what was your husband's father's name? A His name was Reuben Oakes.
- Q And what was the children's father's mother's name? A Margareete Phipps.
- Q Through which one of his parents did your husband get his Choctaw blood? A His mother.
- Q What was his mother's father's name? A His name was James Scarborough.
- Q And what was his mother's mother's name? A Betsy Scarborough.
- Q Is Margareete Phipps living? A Yes.
- Q How old is she? A She is seventy-two.
- Q What was the name of the ancestor of your children who lived in the Choctaw Nation in eighteen hundred and thirty and was a Choctaw Indian? A Grannie Taylor was their first ancestor and then their great grandmother Betsy Scarborough.
- Q Was Betsy Scarborough a married woman in eighteen hundred and thirty and the head of a family? A I suppose so.
- Q Did she live in Mississippi? A She lived in Mississippi or Alabama in the Choctaw district.
- Q Have you any evidence to show that your children's great grandmother was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? A I have this evidence that is all.

Written application of Ida Oakes offered in evidence, marked exhibit "A", filed and made a part of the record in this case.

Certified copy of two affidavits of John Scarborough, two affidavits of M. C. Whittle, affidavit of J. E. Nelson, Wash Holly, P. J. Holly, Daniel Underwood, Alfred Harkins, two affidavits of Charles Smith, and two affidavits of Elijah Colbert offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

- Q Who is this John Scarborough? A My childrens uncle.
 Q How do you claim the right to make application for your children as Mississippi Choctaws? A Well I have been legally appointed their guardian.
 Q I mean do you claim for them under any of the treaties between the United States and the Choctaw Indians? Yes under the treaty of eighteen hundred and thirty, the fourteenth article.
 Q In order for your children to be identified as Mississippi Choctaws it will be necessary for you to produce proof that their great grandmother was a recognized Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty and that she signified her intention to the Agent there in Mississippi within six months after the treaty was ratified of staying in Mississippi or that she attempted to do so. These affidavits that you have filed tend to prove the Indian blood of your children but do not show any compliance on the part of their ancestor with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. Have you any other evidence that you would like to offer at this time? A No.
 Q Would you like to have your childrens grandmother testify? A Yes.

Applicant excused.

Margarete E. Phipps called as a witness, duly sworn testified as follows:

- Q What is your name? A Margarete E. Phipps.
 Q What is your age? A Seventy-two.
 Q What is your post office address? A Haynesville, Louisiana.
 Q You are an applicant for identification as a Mississippi Choctaw? A Yes.
 Q Are you acquainted with Ida O. Oakes who has just made application here for identification of her children as Mississippi Choctaws? A Yes.
 Q What relation is she to you if any? A She is my daughter-in-law She married my son.
 Q What are the names of your son's children? A Guy, Daisy, and Agnes--Mary Agnes.
 Q These are your son's children and get their Choctaw blood through him and through you? A Yes.
 Q And you get your Choctaw blood through who? A From my mother.
 Q And what is her name? A Betsy Scarborough.

Witness Excused.

John Scarborough called as a witness, duly sworn, testified as follows:

- Q What is your name ? A John Scarborough.
 Q What is your age? A Seventy-six.
 Q What is your post-office address? A Durant, Indian Territory.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Ida O. Oakes who has just made application for her minor children? A Yes.
 Q What relation is she to you if any? A Well from what I have heard from the family my nephew married her.
 Q Did you know your nephew personally? A No only know of him.
 Q What was that nephews name? A Reuben.
 Q Reuben Oakes? A I think that is the name.
 Q What was his mother's name? A Margareete Phipps.
 Q And what was his father's name? A His name was Oakes.
 Q Do you remember his first name? A No.
 Q Through which one of his parents does your nephew get his Choctaw blood? A His mother.
 Q How are you related to his mother? A She is my sister.
 Q Do you know these children for whom Mrs. Oakes is now making application? A No, I don't know them personally.
 Q But from family history you know ~~them~~ that they are your nephews children and that they get their Choctaw blood from the same common ancestor that you do? A Yes from what I know I believe that this is correct.

Witness excused.

Applicant recalled.

If you wish to offer any further evidence in support of this application for your children, either the oral testimony of witnesses, their depositions or affidavits of any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case

Applicant excused.

John L. Oakes being called as a witness, duly sworn, testified as follows:

- Q What is your name? A John L. Oakes.
 Q What is your age? A Forty-five.
 Q What is your post-office address? A Haynesville, Louisiana.
 Q You are an applicant for identification as a Mississippi Choctaw?
 A I am.
 Q Are you acquainted with Ida O. Oakes, who has just applied for identification of her three minor children as Mississippi Choctaws? A Yes.
 Q What relation is she to you if any? A She is my sister-in-law. My brother married her.
 Q Can you give the names of her children? A Guy, Daisy, and Agnes, --Mary Agnes I believe it is.
 Q You know these children personally do you? A Yes.
 Q You know that they are your brother's children and get their Choctaw blood from the same common ancestor that you do? A Yes.

Q What was your brother's name? A Reuben R. Oakes.
Q He was your full brother? A Full brother.
Q The son of your father and mother? A Yes.
Q Is he older or younger than you are? A Younger.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 23, 1901, and that the above and foregoing is full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 4 day of September 1901.

R. Hinebaugh

Notary Public.

Maskogee, Indian Territory, September 9, 1901.

Ida O. Oakes,

Haynesville, Louisiana.

Dear Madam:

In the matter of the applications for identification as
Mississippi Choctaws of

John S. Searborough, et al.,	William D. Searborough, et al.,
James Carpenter	Everett H. Taylor, et al.,
William L. Mullens	Maggie Bradley
Margaret Sanders	Josie Carpenter, et al.,
Margaret E. Paveto,	

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on August 23, 1901, you appeared before this Commission at Atoka, Indian Territory, and applied for the identification as Mississippi Choctaws of your three minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five

I.O.O. #2

Civilized Tribes at Atoka, Indian Territory, on Friday, November 8th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

MIC: 3316

Muskogee, Indian Territory, September 16, 1901

Mr. John L. Oakes,
South McAlester,
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 12th, enclosing marriage license and certificate between John L. Oakes and Mollie M. Collier, which you offer for filing in support of the application for identification as Mississippi Choctaws of John L. Oakes, et al., and the marriage license and certificate between Reuben L. Oakes and Ida O. Bridgeman, which you offer for filing in support of the application for identification as Mississippi Choctaws of Ida O. Oakes et al.

The same have been filed and made a part of the record in these cases, and will receive consideration in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

M.C.3315
M.C.3316.

HENRY L. DAWES
JAMES HINDS
THOMAS B. NEASE
C. R. BURNETT

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.O.R. 3316

ALBANY, N. Y.

ALBANY, N. Y.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Waukegan, Indian Territory, May 31, 1902

Guy Oakes,

Waynesville, Louisiana.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

John Scarborough, et al,	M. C. R.	252
Cora Ballard, et al,	M. C. R.	97
Ada Gailer, et al,	M. C. R.	98
Johnnie La Fayette Trotter	M. C. R.	99
William E. Pike, et al,	M. C. R.	100
Margaret E. Peveto,	M. C. R.	101
William J. Peveto, et al,	M. C. R.	102
Pinckney L. Scarborough, et al,	M. C. R.	103
Josie Carpenter, et al,	M. C. R.	165
James Carpenter,	M. C. R.	166
Margaret Sanders, et al,	M. C. R.	167
Carrie Pike,	M. C. R.	231
James E. Pike, et al,	M. C. R.	232
Mattie McDowell, et al,	M. C. R.	251
William D. Scarborough, et al,	M. C. R.	253
Sallie Mullins, et al,	M. C. R.	254
Susan Freeman, et al,	M. C. R.	255
Cornelius B. Scarborough, et al,	M. C. R.	256
John B. Mullins,	M. C. R.	257
Maggie Bradley,	M. C. R.	258
John S. Scarborough, et al,	M. C. R.	259
William A. Freeman, et al,	M. C. R.	260
William L. Mullins,	M. C. R.	261
Guy M. Granbury,	M. C. R.	286
Robert N. Scarborough, et al,	M. C. R.	442
Richard Elery Scarborough, et al,	M. C. R.	691
James J. Berry, et al,	M. C. R.	692
Margareete E. Phipps,	M. C. R.	3296
Lucy E. Langford, et al,	M. C. R.	3297
John L. Oakes, et al,	M. C. R.	3315
Guy Oakes, et al,	M. C. R.	3316
Lucy Bond, et al,	M. C. R.	3317
Amanda Eubanks, et al,	M. C. R.	4031

C. B. Granbury,	M. C. R. 4978
Alf Scarborough,	M. C. R. 4769
Sam Scarborough,	M. C. R. 4770
Wesley Scarborough,	M. C. R. 4771

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ernie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, Wilham D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nehms Mullins, Jennie E. Mullins, Ludie S. Mullins, Susan Freeman, Dill Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cusbell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margaret E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Dixie

Registered.

Acting Chairman.

M.C.R. 3316

Muskogee, Indian Territory, November 22, 1902.

Guy Oakes,
Haynesville, Louisiana.

Dear Sir:

You are hereby notified that on the 10th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Scarborough, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

SIGNED

James Kirby

Acting Chairman.

No. 3216

For Identification as a Mississippi Choctaw.

Date

AUG 28 1901

Name Ida O. Cakes

Age 38 Blood

Post Office, Haynesville, La.

Father: Thornton Bridgeman (deceased)

Mother: Orey Bridgeman (deceased)

Claims through

husband, Reuben L. Cakes (deceased)

Children:

Mary Cakes 16 1/2

Daisy " 13 1/2

Mary Agnes " 11 1/2

Claims for 3 minor children

Stenographer

G. Rosenwald

Guy Oakes et al

RE

R 3316

POB 20 002

CO
FOIA

Choctaw MCR 3317

Lucy Bond

MCR 3317

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 23, 1901.

3517

In the matter of the application of Lucy Bond for the identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by attorney.

Lucy Bond being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Lucy Bond.
Q What is your age? A Forty-three.
Q What is your post-office address? A Saron, (S-a-r-o-n) Trinity County, Texas.
Q How long have you lived there? A I was born and raised in Texas.
Q Never had a home outside of Texas? A No, I moved to Durant but did not have any property there?
Q How long did you stay there? A About two or three months.
Q When was that? A It was in the Summer before the Commission made at Durant, '98 or '99 I am not sure. It was the regular session at Durant.
Q What was your father's name? A John Scarborough.
Q What is your mother's name? A Laurena Scarborough.
Q Is your father living? A Yes.
Q Is your mother living? Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Edgar Bernard Bond.

"Evidence of the marriage between John and Laurena Scarborough was filed by John Scarborough in M.E.R. 252."

- Q You make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes.
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A I have one.
Q Give that child's name and age? A Olah Bond.
Q How old? A Eleven years.
Q This is your child? A Yes.
Q What is the name of its father? A Edgar Bernard Bond.
Q When and where were you married to him? A At Remington in the year eighteen hundred and eighty.
Q Texas? A Yes.

- Q Is your name or is the name of your child on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities to have yourself or your child enrolled as members of that tribe? A No I applied before the Commission.
- Q Did you or did any one for you or your child in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th 1896? A No.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in the Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities of the Authorities of the United States to have yourself or your child admitted to citizenship in the Choctaw Nation? A No.
- Q Did you not saw a little while ago that you made application to the Dawes Commission? A Yes.
- Q When did you make that application? A It was at Durant either in '98 or 99.
- Q What kind of an application did you make then? A A I made application for citizenship.
- Q Did you make application for enrollment as a citizen by blood? A I made application as a Mississippi Choctaw by blood.
- Q You did not claim then as a Mississippi Choctaw? A I don't think it made any difference then. My application shows that I was a Mississippi Choctaw---my written application.
- Q What do you mean by a Mississippi Choctaw? A Well, the Choctaws that were left in Mississippi when they came to the Territory under the treaties of 1830, the fourteenth article.
- Q At the time you appeared before the Commission at Durant you did not say anything about claiming under the fourteenth article of the treaty of eighteen hundred and thirty? A I don't remember.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Betsy Scarborough, I understand and her mother.
- Q What relation was Betsy Scarborough to you? A She was my grandmother.
- Q What was her mother's name? A Little Grannie Taylor was her mother's, that was her white name and Shank was her Indian name.
- Q How old is your father? A My father is seventy-six.
- Q Then your grandmother Betsy Scarborough must have been a married woman in eighteen hundred and thirty and the head of a family when this treaty was made? A I suppose so.
- Q Did she go to the Indian Agent there within six months after the treaty was ratified and tell him that she wanted to stay there? A I do not know.
- Q Do you understand the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A Think I do.
- Q Just state what you understand by that article? A I don't know that I can. I have heard it explained, I think I understand it.
- Q That article provided that those Choctaw Indians who did not want to come West with the other Choctaw when the United States was trying to remove them to the present Choctaw Nation in the Indian Territory might stay there in Mississippi and if they went to the Indian Agent there within six months after that treaty

Q was ratified and tell him that they wanted to stay, they would get land from the government for themselves and their children. If they lived on that land for five years they would get a title to it and in doing this they would not lose the privilege of Choctaw citizens but if they ever removed were not to have any of the Choctaw annuities. The United States in eighteen hundred and thirty was trying to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of moving them to the Country west of the Mississippi River and giving them land there in exchange for their land in Mississippi and Alabama, but some of the Indians did not want to come, so this fourteenth article was made a part of the treaty for the benefit of these Indians who wanted to stay there in Mississippi.

Within six months after the treaty was ratified a great many Indians went to the Indian Agent there and told him that they wanted to stay there in Mississippi but when a man was sent down by the United States Government to locate the land for the Indians he found that there were a large number of Indians who claimed that they had gone to the Agent and told him that they wanted to stay whose names were not on the rolls which the Indian Agent had made. So under acts of Congress Commissioners were appointed to investigate and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners passed on several hundred cases. Some were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War if the land which the Indians claimed had not already been sold it was given to them, if the land had been sold they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Arkansas Louisiana or Alabama. Now, in order for you to be identified as a Mississippi Choctaw, it will be necessary for you to show that your grandmother Betsy Scarborough was a Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty and that she within six months after the treaty was ratified went to the agent there and signified to him her intention of staying in Mississippi or tried to do so. Have you any evidence to show that she was a Choctaw Indian and lived in the Choctaw Nation, and went to the Indian Agent there and told him that she wanted to stay? A I have affidavits of old people.

Q Do these affidavits show whether your grandmother was a Choctaw Indian and lived in the Choctaw Nation? A Yes that my great grandmother was a half breed and my grandmother I suppose was a quarter.

Q Do they show whether your grandmother went to the Indian Agent there within six months after the treaty was ratified? I don't know whether they do or not.

Written application of Lucy Bond offered in evidence, marked exhibit "A" filed, and made a part of the record in this case.

Q In one clause of this written application it appears that your father's name is John S. Scarborough? A That is a mistake in the printing, that is my brother's name.

Certified copy of two affidavits of John Scarborough and two affidavits of M. C. Whittle, affidavit of Wash Holly, P. J. Holly, Daniel Underwood, Alfred Harkins, two affidavits of Charles Smith, and two affidavits of Elijah Colbert, offered in evidence, Marked exhibit "B" filed and made a part of the record in this case.

Certified copy of marriage license and certificate between E. B. Bond and Lucy Scarborough offered in evidence, marked exhibit "C" filed and made a part of the record in this application.

- Q John Scarborough is your father? A Yes.
 Q Do you know the other people who have made these affidavits?
 A Yes I know the Holly's and I have seen Elijah, whatever his name is, I don't know him very much but I have seen him.
 Q Would you like to have your father's testimony taken in this case? A Yes I would like to have him testify that I am his daughter.

Applicant excused.

John Scarborough, called as a witness, duly sworn testified as follows:

- Q What is your name? A John Scarborough.
 Q What is your age? A Seventy-six.
 Q What is your post-office address? A Durant, Indian Territory.
 Q You are an applicant for identification as a Mississippi Choctaw? A Yes.
 Q Are you acquainted with Lucy Bond who has just made application? A Yes.
 Q What relation is she to you if any? A My daughter.
 Q She claims her Choctaw blood through you? A Yes.
 Q And you claim your Choctaw blood through which one of your parents? A Through my mother.
 Q What was her name? A Betsey Scarborough.
 Q What was your father's name? A James Scarborough.
 Q He did not claim to have any Choctaw blood? A No.
 Q Was your mother Betsey Scarborough living in the Choctaw Nation in eighteen hundred and thirty when the treaty of eighteen hundred and thirty was made? A She lived in the old Choctaw district in Alabama.
 Q What County? A Perry County.
 Q Is that where you were born? A No.
 Q In what state were you born? A In Alabama, but not in that particular place.
 Q But it was in Perry County? A Yes I was born in Perry County.
 Q You did not understand the question then, I asked you if you were born in Perry County and you said no? A Well my hearing is not good, I can't always understand the question.
 Q Then there is where you were born? A Yes I was born in Perry County, Alabama.
 Q And your mother continued to live there until eighteen hundred and thirty? A Yes.
 Q How long did your mother live there after that? A I do not know, I was a small boy when she died.
 Q About how old were you when your mother died? A I don't know, I was a small kid. I was somewhere between five or ten years old.
 Q Do you know whether your mother went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay in Mississippi? A I do not know whether she did or not.
 Q Do you know whether she owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I do not know.
 Q You do not know whether she owned any land when they lived in Alabama? A I think more than likely she did.

- Q Could you not have the land transfers in that County examined and find out how she got that land? A I might.
- Q Do you know whether she got it from the government or not? A I do not.
- Q It might be a very important point in this application to show how your mother acquired that land there in Alabama? A Yes.
- Q Do you remember when the Commissioners who were appointed under acts of Congress of March 3, 1837 and August 23, 1842 were in Mississippi passing on the claims of these Indians? A No I have no recollections only what I have seen in print.
- Q Since then? A Yes, as a matter of fact I have some slight recollections of them being over there, But I don't know it personally.
- Q Well when these Commissioners were appointed in 1837 I suppose you were about ten or twelve years old? A Yes.
- Q And when the other Commission was appointed in 1842 you must have been about seventeen or somewhere along there? A Yes.
- Q But you don't remember about hearing anything about it then? A Well I will tell you the truth about it, I suppose I heard about it but don't remember anything about it now. I remember some little circumstances about it but not much.
- Q Did any of your people go over there to these Commissioners to make claim for land? A Well I understood that some of them did.
- Q Which ones? A I understand that Little Grannie Taylor got land but I don't know how she got it.
- Q Do you expect to introduce evidence on this point in support of your application and those of your children? A Yes and all other evidence that I can get.
- Q

Witness excused.

Applicant recalled.

If you wish to introduce any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

- Q Is there any other statement that you would like to make now? A No.

This applicant has brown hair and eyes and dark complexion. Her features and general appearance are those of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from her statement that her grandmother lived in the Choctaw Nation in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 7 day of September 1901

G. Rosenwinkel
R. H. Linebarger
 Notary Public.

Muskogee, Indian Territory, September 9, 1901.

Judy Bond,

Saron, Texas.

Dear Madam:

In the matter of the applications for identification as
Mississippi Choctaws of

John S. Scarborough et al.
James Carpenter
William L. Mullens,
Margaret Sanders
Margaret E. Paveto,

William D. Scarborough et al.
Everett E. Taylor et al.
Maggie Bradley
Josie Carpenter et al.

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on August 23, 1901, you appeared before this Commission at Atoka, Indian Territory, and applied for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five

L.B. #2

Civilized Tribes at Atoka, Indian Territory, on Friday, November 9th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 3317

COMMISSIONERS
HENRY L. DAWES
TAMM BIRNEY
THOMAS B. NEEDLES
C. R. BRECKENRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

P.C.R. 3317

MISSISSIPPI CHOCTAWS

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Lucy Bond.

Scars, Texas.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

John Scarborough, et al,	M. C. R.	252
Cora Ballard, et al,	M. C. R.	97
Ada Gailer, et al,	M. C. R.	98
Johnnie La Fayette Trotter	M. C. R.	99
William E. Pike, et al,	M. C. R.	100
Margaret E. Peveto,	M. C. R.	101
William J. Peveto, et al,	M. C. R.	102
Pinckney L. Scarborough, et al,	M. C. R.	103
Josie Carpenter, et al,	M. C. R.	165
James Carpenter,	M. C. R.	166
Margaret Sanders, et al,	M. C. R.	167
Carrie Pike,	M. C. R.	231
James E. Pike, et al,	M. C. R.	232
Mattie McDowell, et al,	M. C. R.	251
William D. Scarborough, et al,	M. C. R.	253
Sallie Mullins, et al,	M. C. R.	254
Susan Freeman, et al,	M. C. R.	255
Cornelius B. Scarborough, et al,	M. C. R.	256
John B. Mullins,	M. C. R.	257
Maggie Bradley,	M. C. R.	258
John S. Scarborough, et al,	M. C. R.	259
William A. Freeman, et al,	M. C. R.	260
William L. Mullins,	M. C. R.	261
Guy M. Granbury,	M. C. R.	286
Robert N. Scarborough, et al,	M. C. R.	442
Richard Elery Scarborough, et al,	M. C. R.	691
James J. Berry, et al,	M. C. R.	692
Margareete E. Phipps,	M. C. R.	3296
Lucy E. Langford, et al,	M. C. R.	3297
John L. Oakes, et al,	M. C. R.	3315
Guy Oakes, et al,	M. C. R.	3316
Lucy Bond, et al,	M. C. R.	3317
Amanda Eubanks, et al,	M. C. R.	4031

C. B. Granbury,	M. C. R.	4078
Alf Scarborough,	M. C. R.	4769
Sam Scarborough,	M. C. R.	4770
Wesley Scarborough,	M. C. R.	4771

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ernie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Dill Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cu-bell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Ernest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margarette E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Dix

Acting Chairman.

Registered.

M.C.R. 3317

Muskogee, Indian Territory, November 22, 1902.

Lucy Bond,

Saron, Texas.

Dear Madam:

You are hereby notified that on the 10th day of November 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Scarborough, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Chairman.

No. 3217

For Identification as a Mississippi Choctaw.

Date AUG 2nd 1901

Name Lucy Board

Age 13 Blood 1/6

Post Office, Aurora Texas

Father: John Warborough ✓

Mother: Lorenna " ✓

Claims through father

Husband: Edgar Board ✓
(no claim for Board)

Children:

Oliver Board 11

Claims for self and child

Stenographer

G. Rosenwinkel

Lucy Bond et al

Pr. 3317

12

Choctaw MCR 3318

John W. Jackson

See MCR 2254

MCR 3318

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 23, 1901.

3318

In the matter of the application of John William Jackson for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

John William Jackson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John William Jackson.
- Q What is your age? A Twenty-two.
- Q What is your post-office address? A Nida, Indian Territory.
- Q How long have you lived there? A Two years.
- Q Where did you live before you lived there? A In Texas.
- Q How long did you live in Texas? A About twenty years.
- Q Were you born in Texas? A Yes.
- Q What is your father's name? A Jacob Jackson.
- Q Is he living? A Yes.
- Q What is your mother's name? A Missouri Jackson.
- Q Is she living? A No.
- Q Through which one of your parents do you claim your Choctaw blood? A Both of them.
- Q Through which one? A Both of them.
- Q How much Choctaw blood do you claim? A One-sixteenth.
- Q How much Choctaw blood did your father claim to have? A One-eighth.
- Q How much Choctaw blood did your mother claim to have? A One-eighth.
- Q And you think that if your father had one-eighth and your mother one-eighth that you would have one-sixteenth? A No answer.
- Q Can't you answer the question? A Yes.
- Q What do you mean by that, Yes you think that is what you have or Yes you can answer the question? A Yes that is what I think I have one-sixteenth.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities, or the authorities of the United States? A No not until they enrolled up here.
- Q You mean when your father came up here and applied for identification as a Mississippi Choctaw? A Yes.
- Q Are you married? A No.
- Q You are making this application for yourself alone? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to get in with Pa and them others.
- Q What others? A My brothers and them as Mississippi Choctaws.
- Q You claim as a Mississippi Choctaw? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made who was a recognized Choctaw Indian? A John W. Miller.
- Q What relation was he to you? A He was my mother's father.
- Q Which one of your father's parents or grandparents lived in the Choctaw Nation in eighteen hundred and thirty and was a Choctaw Indian? A Isaac Jackson.
- Q What relation was he to you? A My Pa's father.
- Q What is your father's mother's name? A I don't know what her name is.
- Q Which one of your father's parents claimed to be Choctaw? A Isaac Jackson.
- Q His father? A Yes.
- Q How old is your father? A I don't know how old he is, about forty-eight, somewhere, I don't know for certain how old.
- Q Did you ever see your grandfather, your father's father? A No.
- Q You know how long he has been dead? A No.
- Q You know how old he would be if he were living now? A No.
- Q What is your mother's father's name? A John W. Miller.
- Q And what is your mother's mother's name? A I don't know what her name was.
- Q Through which one of your mother's parents did she claim her Choctaw blood? A Through her father.
- Q Have you any evidence of your father's and mother's marriage? A Which.
- Q Have you any evidence of your father and mother's marriage? A No.
- Q Can you get any such evidence? A I suppose so.
- Q Will you try to secure that evidence? A Yes.
- Q Have you any evidence of the marriage of your father's father and mother? A No.
- Q Can you secure that evidence? A I don't know.
- Q Will you try? A Yes.
- Q Have you any evidence of your mother's father and mother's marriage? A No.

It will be necessary for the Commission to be supplied with evidence of these marriage in support of the application you make to be identified as a Mississippi Choctaw.

- Q What was John W. Miller's father's name? A Daniel Miller.
 Q What was his mother's name? A I don't know.
 Q What was Isaac Jackson's father's name? A Bill Jackson.
 Q What was his mother's name? A I don't know.
 Q Which one of your grandfather Miller's parents claimed to be Choctaw? A Daniel.
 Q His father? A Yes.
 Q Which one of your grandfather Jackson's parents claimed to be Choctaw? A Bill Jackson.
 Q How does it happen that you can remember all the way back the names of your ancestors who claimed to be Indians and cannot remember any of your other ancestors? A They is all that I have been taught about.
 Q How does it happen that you have been taught about them and not about your grandmother and great grandmother? I have heard the names called but have forgot them.

The law under which the Commission is acting at this time in hearing these application for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, which provides:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the River but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now if any of these Indians who wanted to stay there in Mississippi would go to the Indian Agent there within six months after that treaty was ratified and told him that they wanted to stay in Mississippi and take land there, they would get land from the government for themselves and their children and if they lived in that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not be entitled to any portion of the Choctaw yearly payments of money.

Within six months after the treaty was ratified a large number of Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land and become citizens of the United States but when a locating agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of the Indians were entitled to land under the fourteenth article. These Commissioners took up and passed on several hundred cases some of them they allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land claimed had not already been sold it was given to them. If it had been sold they were given scrip. This scrip could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now what were the names of your ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty who complied or attempted to comply with the Provisions of that article? A Isaac Jackson.
- Q Have you any evidence to show that he was a Choctaw Indian? A By my father.
- Q Did your father know him? A I guess so he was his Pa.
- Q You claim through your grandfather? A Yes.
- Q Was he living in the Choctaw Nation in eighteen hundred and thirty? A I don't know whether he was or not. That is where he was raised.
- Q Have you any outside evidence to show that your grandfather was a Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty? A No I have not.
- Q Your father is only forty eight years old, he would not know whether his father was living in eighteen hundred and thirty or not? A No I have not got any evidence.
- Q Did Isaac Jackson or any other of your ancestors go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there and take land? A Not that I knew of.
- Q In order for you to identified as a Mississippi Choctaw it will be necessary for you to show that your grandfather through whom you claim was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and that he within six months from the ratification of this treaty went to the Indian Agent and told him that he wanted to stay there and become a citizen of the United States or tried to tell him. Now can you do that? A No.
- Q Well then why do you come here and make this application? A Well I can't do it now I have not got the witnesses.
- Q Can you get them, you understand what it is necessary for you to prove? A Yes.
- Q Did any of your ancestors own land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.

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- Q Did any of them come west to the present Choctaw Nation with the other Indians between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A Not that I know of.
- Q Have you any papers that you want to file now? A No I have not.
- Q Is there any other statement that you would like to make at this time in support of your application? A No I guess not.
- Q Do you want to use your father as a witness in your case? A Yes I would like to use him.

Applicant excused.

Jacob J. Jackson being called as a witness in behalf of the applicant, duly sworn testified as follows:

- Q What is your name? A Jacob J. Jackson.
- Q What is your age? A I am fifty.
- Q What is your post-office address? A Nida.
- Q Indian Territory? A Yes.
- Q How long have you lived there? A Two years.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes I applied here.
- Q Are you acquainted with John W. Jackson who has just applied here for identification? A Yes.
- Q What relation is he to you if any? A Son of mine.
- Q Through which one of his parents does he claim his Choctaw blood? A From his father on each side.
- Q Did not have but one father did he? A He got it from his mother and his father.
- Q What is the name of your father? A Isaac Jackson.
- Q What is the name of your mother? A Evaline.
- Q And you say you get your Choctaw blood through your father? A Yes.
- Q What was your wife's father's name? A His name, John W. Miller.
- Q What was your wife's mother's name? A I can't tell you she died when my wife was nothing but an infant.
- Q Which one of your wife's parents claimed to be Choctaw? A Her father.
- Q Can you get any evidence of the marriage of your wife's father and mother? A I think we can, I believe they were married in New Madrid or Pemiscot County Missouri. But it would be just like mine they did not give any licenses in that time and did have any record.
- Q Have you any evidence of your marriage? A No but I can get it.
- Q Have you any evidence of the marriage of your father and mother? A No.
- Q Can you get any evidence on that? A No because I don't know where they were married.
- Q Could you get affidavits of people who knew them during their life and knew them to have lived together as man and wife? A I could in the late days but not in the early.
- Q You could get such evidence as this of all three of these marriages? A Yes I suppose so.
- Q How old would your father be if he were living now? He would be somewhere about twenty.
- Q How long has he been dead? A About twentyfive years or twenty-six.
- Q Was he near about forty-five years old when he died? A No he was not a great deal older than that, may be about fifty.
- Q What was your father's father's name? A Billy Jackson.
- Q Is he the ancestor who you claim was a Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Where did he live in eighteen hundred and thirty? A Eighteen

- hundred and thirty? A
- Q Yes? A Now I really could not say whether he was living in Mississippi or Georgia in eighteen hundred and thirty.
- Q You know where your father was born? A It seems to be like he was born in Georgia.
- Q Did he live in Mississippi and go to Georgia? A His father did.
- Q His father I mean? A Yes.
- Q Do you know when he lived in Mississippi and went to Georgia? A No I don't know when it was.
- Q Have you any evidence to show whether he was living in Mississippi or Georgia in eighteen hundred and thirty? A I could not say whether I could get it or not. I will try.
- Q In order for yourself and your child to be identified as Mississippi Choctaws it will be necessary for you to prove that your grandfather was living in the old Choctaw Nation in eighteen hundred and thirty and was a Choctaw Indian and to show whether he went to the Indian Agent there within six months after the treaty was ratified and told him that he wanted to stay in Mississippi. You understand that? A Yes.
- Q Do you know which one of your wife's ancestors was living in the old Choctaw Nation in eighteen hundred and thirty? A I don't know this. I could say only this. John W. Miller he left home when he was a boy and he don't recollect anything about his parents, not a great deal or what ever became of them.
- Q You don't know then which one of them were living in Mississippi in eighteen hundred and thirty? A No.
- Q Do you know if any of them were living in Mississippi in eighteen hundred and thirty? A No I don't know whether Daniel Miller was or not.
- Q Daniel Miller was John W. Jackson's great grandfather? A Yes.
- Q And Bill Jackson was John W. Jackson's great grandfather? A Yes.
- Q And you don't know whether either one of them was living in Mississippi in eighteen hundred and thirty or not? A No I don't.
- Q And you understand the importance of securing evidence on that point? A Yes.

Witness excused and applicant recalled.

- Q Is there anything more you want to say? A No I believe not.

This applicant has very dark hair, eyes and complexion but his features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and knows very little about his ancestors.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

G. Rosenwinkel
Notary Public.

Muskogee, Indian Territory, December 1, 1902.

John W. Jackson,

Nida, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susanna Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Susanna Jackson,	M.C.R. 2254
Jacob J. Jackson, et al.,	M.C.R. 2252
Andrew J. Jackson, et al.,	M.C.R. 2253
John William Jackson,	M.C.R. 3318

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susanna Jackson, Jacob J. Jackson, James P. Jackson, Ollie May

John W. Jackson-2

Jackson, Andrew J. Jackson, Clara Jackson and John William Jackson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. H. H.
Acting Chairman.

Registered.

Muskogee, Indian Territory, September 25, 1903.

John W. Jackson,

Wida, Indian Territory.

Dear Sir:

The Secretary of the Interior in his letter of August 31, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Susanna Jackson, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants base their claims to a right to identification as Mississippi Choctaw Indians upon their descent from Daniel Miller and John W. Miller and Billie Jackson, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Isaac Jackson, father of the principal applicant, Susanna Jackson, is also mentioned as a Choctaw ancestor.

The evidence furnished by the records fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

In his letter of June 10, 1903, the Commissioner of Indian Affairs sets forth certain information which appears upon the records of the Indian Office, concerning one Mo-min-tam-be (or Billy Jackson), who received scrip, and recommends that, inasmuch as the record evidence is insufficient to establish the identity of the Billie Jackson through whom the applicants claim, with the Mo-min-tam-be (or Billy Jackson) whose name appears in the records of the Indian Office, the case be remanded to you, and that you be instructed to grant the applicants time in which to set forth such further evidence, affidavits, or other properly authenticated papers as they may deem fit."

J W J 2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with

J W J 3

the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, October 26, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

COPY. M.C.R. 3318

Muskogee, Indian Territory, February 17, 1904.

John W. Jackson,

Nida, Indian Territory,

Dear Sir:

You are hereby notified that on the 29th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susanna Jackson, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

T. D. Jackson
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

AUG 23 1901

Name

John W. Jackson

Age

22

Blood

1/6

1/8

Post Office,

Nida, L. I.

Father:

Jacob Jackson

Mother:

Missouri Jackson (dead)

Claims through both parents

~~Children:~~

Claims for self alone

Stenographer

G. Rosenwinkel

Choctaw MCR 3319

Samuel Alexander Mingo

See MCR 2998

MCR 3319

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Herein is the record in the matter of the application of
Samuel Alexander Mingo, et al., for identification as Mississippi
Choctaws, M.C.R.3319.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Alexander Mingo,
et al., for identification as Mississippi Choctaws, M.C.R. 3319.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Alexander Lingo,
et al., for identification as Mississippi Choctaws, consolidating
the applications of--

Samuel Alexander Mingo, et al., M.C.R.3319,
Samuel Alexander Mingo, Jr., et al., M.C.R.2998.

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the case occupied by each
in said record.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 23, 1901.

3319

In the matter of the application of Samuel Alexander Mingo
for identification of himself and his minor child as Mississippi
Choctaws.

Applicant not represented by attorney.

Samuel Alexander Mingo being first duly sworn testified as
follows:

Examination by the Commission.

- Q What is your name? A Samuel Alexander Mingo.
Q What is your age? A I am fifty-three.
Q What is your post-office address? A My post-office?
Q Yes? A Alexandria.
Q Louisiana? A Yes.
Q How long have you lived in Louisiana? A All my life.
Q Were you born there? A Yes.
Q And never have had a home anywhere else? A No I did not have
any there, that is what I am hunting now.
Q What is your father's name? A As well as I can remember my
parents died when I was very young and I have to prove this up
by old people who know my parents, his name was Alexander Mingo.
That is all the name I know or ever heard.
Q He is dead you say? A Yes long ago.
Q What is your mother's name? A I don't know, I think it is
Louise. We proved it up in that papers you will see her name in
there.
Q She is dead too? A Yes.
Q Was your father a full blood Choctaw? A Yes.
Q Was your mother a full blood Choctaw? A Yes I suppose so.
Q You claim to be a full blood too? A Yes.
Q Were your parents ever recognized in any way or enrolled as
members of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the authorities of the United States? A Not
that I know of, if they were I don't know anything about it.
Q Are you married? A Yes.
Q What is your wife's name? A Her name is Celeste.
Q Is your wife living? A Yes.
Q She is a Choctaw? A No.
Q What is she? A She is Spanish.
Q You make application for your wife? A No.
Q She is a white woman? A No she is Spanish and Mexican, she was
an orphan as well as myself.
Q Have you any children under twenty-one years of age and unmarried
for whom you wish to make application? A Yes I have two.
Q Are either one of them married? A Yes.
Q How many of them are married? A One of them is married.
Q Then you have one that you wish to make application for? A Only
one then.
Q What is that child's name and age? A What.
Q What is that child's name and age? A He is somewhere near
seventeen and its name is Arthur.

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- Q How do you spell that? A He was born in the time of President Arthur and was named after the President. That is the one that is married mind you.
- Q I told you to give me the name of the one that is under age and not married? A Oh! his name os Douglas.
- Q How old is he? A Thirteen.
- Q He is your child? A Yes.
- Q What is the name of his mother? A Celeste.
- Q When and where were you married to Celeste? A In Louisiana.
- Q When? A In Eighty.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or official? No answer.
- Q Were you married by an ordained minister or official? A Minsiter
- Q Have you your marriage license and certiciate and do you wish to offer same in evidence? A No I did not think about bringing them.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your minor child.

- Q A I will have to send them in later then.
- Q Is your name or is the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of.
- Q Have you ever applied to the Choctaw tribal authorities here in in the Indian Territory to have yourself or your child enrolled? A No.
- Q Did you or did any one for you or your child in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Never.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No we have not.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q You never did before this time make application to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No we never have.
- Q What kind of an application do you want to make now? A I want to make an application under the fourteenth article of the treaty of eighteen hundred and thirty.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made who was an Indian? A In this treaty?
- Q No in the old Choctaw Nation in Mississippi or Alabama? What was their name?
- Q Yes? A Mingo that is all I know.
- Q Did they not have any other name than Mingo? A Yes I believe so, they always went by one name, this Mingo seems to have been agreed between the officials. He did some great things and they gave him another name Tishimingo(applicant probably said Tish-mingo)
- Q What relation was this man to you? A My grandfather.
- Q Your father's father? A Yes.
- Q Do you know what your mother's father's name was? A No I could not tell that is too far back.
- Q Do you know what your mother's mother's name was? A No.

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- Q De you know what your father's mother's name was? A My father's mother's name?
- Q Yes? A I believe her name was Celeste, I am not sure but I believe it was.
- Q Did your grandfather this Mingo live in the Choctaw Nation in Mississippi in eighteen hundred and thirty? A I could not tell I only know what I am told
- Q How long has your father been dead? A My father has been dead over forty years.
- Q You don't remember him at all? A Yess just something like a dream.
- Q You know how old he was when he died? A No I don't not very old tho' I think.
- Q You say you can't remember positively what that name that your grandfather got was? A Only I think it was Tishimingo.
- Q You don't think that it was Minge-he-mah? A No.
- Q Or Captain Bob? A I could not say I don't know.
- Q Did it sound like Mingo Hopia? A No.
- Q Just Mingo or Tishimingo? A That is all that I can remember, I would not know that any people had told me.
- Q Who told you? A People.
- Q people that knew your grandfather? A Yes.
- Q Is there anybody living who knew your grandfather? A I don't know.
- Q It might be very important if you could get people to come here who knew your grandfather? A Yes but they would have to be seventy years old.
- Q Do you know when he died? A I could not tell you. Well when I get back how could I get it if I find anybody that knew my grandfather?
- Q You can take his testimony in the form of depositions, that is questions and answers given before some Notary Public and send it in to the Commission. Did this Mingo come west to the present Choctaw Nation with the other Choctaws? A I could not tell you.
- Q You never heard? A No I never heard.
- Q Did Your father ever live in Mississippi? A I don't know I expect he did.
- Q Did your grandfather die in Mississippi or did he move to Louisiana? A I could not tell you that. I think he died in Mississippi because I never heard anybody say.
- Q You don't know about when he died? A No.
- Q Do you know whether he went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there and take land? No I don't know.
- Q You know about the treaty of eighteen hundred and thirty? A No I don't know.

In eighteen hundred and thirty, you know, the Choctaws were all living there in Mississippi and a few of them in the state of Alabama and the state of Mississippi was filling up with white people and the United States could not protect the Indians in their tribal government. The United States thought it would be best to give the Indians land west of the Mississippi river and move them all to the country west of the Mississippi river over here, but some of the Indians did not want to come and the others would not sign any treaty until something was done for these Choctaws who wanted to remain in Mississippi, so this fourteenth article was made a part of the treaty for the benefit of these Indians who wanted to remain in Mississippi. Under this fourteenth article if any of these Indians who wanted to stay

in Mississippi would go to the Indian Agent within six months from the ratification of this treaty they would get land for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not be entitled to any portion of the Choctaw yearly payments of money. Within six months after the treaty was ratified a great many Indians went to the Indian Agent and told him that they wanted to stay there and take land and become citizens of the United States but when a locating Agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay there whose names did not appear on the list which the Indian Agent had made. So Under different acts of Congress Commissioners were appointed to go down into Mississippi and find out which of these Indians were entitled to land there under the fourteenth article of the treaty. Such a Commission was appointed under act of Congress of March 3rd 1838 and another one under act of Congress of August 23rd 1842. These Commissioners went down into the States of Mississippi and looked into these claims and passed on several hundred of them. Some they allowed and others they refused. In those cases where the Commissioners allowed the claims and their decision was approved by the Secretary of War and by the President if the land claimed by the Indians had not already been sold it was given to them. If it had been sold they were given scrip, that is a certificate in writing, and they could take that scrip and locate land on any of the public lands in Mississippi, Arkansas, Louisiana or Alabama.

- Q Do you know if Mingo or any other of your ancestors owned any land there in any one of these States? A No I don't know.
- Q You don't speak Choctaw? A No.
- Q You have not lived among the Choctaws all your life? A No I speak French. I am told that this Mingo was a great chief and fought on behalf of the United States government. He fought the Seminoles, he was a great man.
- Q You think you have any evidence to connect the Mingo that you talk about with this Mingo here. Who were these people who told you about this Mingo? A Old people where I stay.
- Q Do they live there now? A Yes.
- Q Could you bring them to the Commission? No they are too far and further more I am not able.
- Q Can you get their deposition? A Yes.
- Q You know what you want to ask them about? A Yes if that is the right Mingo.
- Q You want to find out if this Mingo, your grandfather lived in the old Choctaw Nation in eighteen hundred and thirty and whether he went to the Indian Agent there and told him that he wanted to stay in Mississippi or tried to tell him and whether he got any scrip from the government. You understand what to ask them about? A Yes.
- Q You see if you could bring them before the Commission we could probably ask them better than you could but if you can't do this you want to ask them. It will be a matter of great importance to you to find out these things? A Yes.

On Page 137 of volume 1, Choctaw Nation against the United States, case number 12742, in the list of Choctaw heads of families claiming land under the fourteenth article of the treaty of eighteen hundred and thirty appears the name Mingo but from

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the applicants statement we are unable to identify his grandfather as the Mingo named in this list and we are unable to find that any authoritative action was taken on this list.

- Q Is there anything else that you can think of that would be of benefit to your claim that you would like to say now? A No I don't know if I know anything except what you asked me, I only know one thing that my people the Mingo's never got any assistance from the government, if they did I don't know anything about it.
- Q Have you any papers that you want to file now? A Yes.

Affidavit of Elina Laurent offered in evidence marked exhibit "A" filed and made a part of the record in this case.

Affidavit of L. D. Laurent offered in evidence marked exhibit "B" filed and made a part of the record in this case.

Certificate of C. M. Kilpatrick Clerk and W. F. Blackman Judge to the legality of John C. Blackman's acts, as a Notary Public marked exhibit "C" filed and made a part of the record in your case.

If you wish to offer any more evidence in support of your application, either the oral testimony of witnesses before the Commission in person, their depositions or affidavits or any documentary evidence, or your marriage license, you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has every appearance of being a full blood Choctaw, his features and general appearance, and complexion show that he is without question possessed of a large proportion of Choctaw blood if indeed there is any other mixture. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his grandfather was a chief and lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 9th day of November 1901.

W. F. Blackman
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 20 1901

[Handwritten signature]

ACTING CHAIRMAN.

State of Louisiana

Parish of Rapides

Before me the undersigned authority personally came and appeared John P. Gill a resident of the above parish and State and who by me having first duly sworn says; that he is sixty years of age; that he knows David Alexander Margo; that he knows from his knowledge of him that he is a free colored Christian and that he has always been known as such, and David Alexander Margo Jr. is his lawful son -
 Sworn to & Subscribed before me on this 24th day of June 1901

John P. Gill
 Notary Public

John P. Gill
 Mark

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED

FILED

Aug 25 1901

 ACTING CHAIRMAN

State of Louisiana
Parish of Rapides

Before me the undersigned authority personally appeared Elina Laurent, a resident of above parish & State, and who by me having been first duly sworn says; that she is sixty-six years of age, that she knows David Alexander Mingo who has been knowing him for the last fifty-years; that his father she knew as well as his mother & Grand-mother & that they were free blooded Choctaw Indians so they claimed & that they claimed to have come here from Mississippi.

His mother was named Laura & his Grandmother, Celeste & his father, Alexander Mingo -

That she has no interest herein
Sworn to & subscribed
before me on this 24th day
of June 1901.

J. Blackman
Notary Public

Elina Laurent

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Aug 29 1901

[Signature]
AUG 29 1901

Ex "B"

State of Louisiana
Parish of Rapides }

Before me the undersigned authority personally appeared L. D. Landau, a resident of the above parish & State, to me well known & who by me having been first duly sworn says; that he is Sixty-Eight years of age; that he has known Samuel Alexander Sr. since 1846; that he knew well his father & Samuel Alexander's mother he knows that they were full blooded Choctaw Indians; that his father was named Alexander Muigo & his mother's name was Louisa Muigo; he remembers that they came to La - from Mississippi as he has often heard them say and his wife, who is married to him came here with them & belonged to the same tribe - that Samuel Alexander was reared by officials from his mother -

Sworn to & subscribed
before me on this the 24th day
of June 1907.

J. B. Blackburn
Notary Public

L. D. Laurent

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Aug 23 1901



ACTING CHAIRMAN.

18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

Ex "C"

State of Louisiana - Parish of Rapides
13th Judicial Dist. Court.

I hereby certify that John C. Blackman
is a Notary Public, duly appointed
Commissioned and qualified in and for
this Parish and State, that his Commission
is dated Jan. 1900 and expires in
Jan. 1905. And all of his acts as such are
entitled to full faith and credit under
the Law.

In witness whereof, I hereunto set
my hand and Seal of Office at
Alexandria, La. on this July 5th 1901.
O. M. McPatrick
Clerk Dist. Court.

State of Louisiana } 3rd Judicial District Court
Parish of Rapides } of Louisiana, Rapides Parish.
I, William F. Blackman, Judge of the above
said District, in and for Rapides Parish, La.
do hereby certify that O. M. McPatrick is the
legally elected and qualified Clerk of my said Court
& Ex Officio Recorder - and his signature to
the above foregoing certificate is genuine -

This done & signed on this 5th day
of July 1901

W. F. Blackman
Judge -

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Alexander Mingo,
et al., for identification as Mississippi Choctaws, M.C.R. 3319.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on August 23, 1901, by Samuel Alexander Mingo for himself and his minor child, Douglas Mingo, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the principal applicant is a full-blood Mississippi Choctaw Indian. The minor applicant herein is a mixed-blood Choctaw, and whatever rights as a Mississippi Choctaw he may possess by reason thereof will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."


It is, therefore, the opinion of this Commission that Samuel Alexander Mingo should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE ~~CIVILIZED~~ TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAD 104

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Alexander Mingo,
et al., for identification as Mississippi Choctaws, consolidating
the applications of--

Samuel Alexander Mingo, et al., M.C.R. 3319,
Samuel Alexander Mingo, Jr., et al., M.C.R. 2998.

D E C I S I O N .

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Samuel Alexander Mingo for himself and his minor child,
Douglas Mingo, and by Samuel Alexander Mingo, Jr. for himself and
his minor child, Samuel Dock Mingo, under the following provision
of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses

and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the records of the Commission it appears that the principal applicant, Samuel Alexander Mingo, who is a full-blood Mississippi Choctaw Indian, was on March 12, 1904, duly identified as a Mississippi Choctaw, under the provisions of section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that all the other applicants are mixed-blood Choctaw and as such do not come within the purview of said section.

It also appears that all the applicants herein, except the principal applicant, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Mingo (or Tishimingo, or Tishmingo), Celeste and Louise (or Louisa) Mingo, all of whom are alleged to have been full-blood Choctaw Indians.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It is found that the name Mingo appears on page 147, Volume I of Claimants Brief and Evidence, in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 12742, in "A list of Choctaw heads of families claiming rights under the 14th

article of the treaty" of eighteen hundred and thirty, but it does not appear from the evidence submitted by the applicants herein that the ancestors through whom they claim are identical with the Mingo whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty and to persons who heretofore were claimants thereunder that the said Mingo (or Tishimingo, or Tishmingo), through whom these applicants claim, or Celeste or Louise (or Louisa) Mingo, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 613).

It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Douglas Mingo, Samuel Alexander Mingo, Jr. and Samuel Dock Mingo as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred

--4--

and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,
JUL 29 1904

Muskogee, Indian Territory, December 17, 1901.

A. P. Blackwell,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifteenth instant, in which you ask if Sam Mingo, his father and brother are enrolled as Mississippi Choctaws. You state that they came there from Alexandria, Louisiana.

In reply to your letter you are advised that it appears from our records that on July 20, 1901, Samuel A. Mingo, Jr. appeared before the Commission at Atoka, Indian Territory, and applied for identification as a Mississippi Choctaw; and that on August 23, 1901, Samuel Alexander Mingo, a full blood Choctaw, of Alexandria, Louisiana, appeared before the Commission at Atoka, Indian Territory, and applied for the identification of himself and his minor child, Douglas Mingo, as Mississippi Choctaws. No decision has yet been reached or opinion rendered relative to the rights of these applicants as Mississippi Choctaws. Their status is that of applicants for identification as Mississippi Choctaws, whose rights have in no manner been passed upon by the Commission.

Yours truly,

Miss. Choc. 3319

Muskogee, Indian Territory, February 21, 1902.

Sam Alexander Mingo,

Box 21, Alexandria, Louisiana,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixteenth instant in which you ask if you are entitled to a claim in the Choctaw Nation.

In reply to your letter you are advised that no decision has yet been reached or opinion rendered relative to your application for identification as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3319

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1904.

Samuel Alexander Mingo,
Postoffice Box 21,
Alexandria, Louisiana,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

C. A. Breckinridge

Commissioner in Charge.

Registered.

Enc. MCR 3319.

M.C.R. 3319

Muskogee, Indian Territory, March 16, 1904.

A. P. Blackwell,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its opinion identifying Samuel Alexander Mingo as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tahomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

W. R. ...

Commissioner in Charge.

Registered.

M.C.R. 3319

Muskogee, Indian Territory, March 16, 1904.

A. P. Blackwell,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its opinion identifying Samuel Alexander Mingo as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNATURE)

C. R. ...

Commissioner in Charge.

Registered.

M.C.R. 3319

COPY.

Muskogee, Indian Territory, March 16, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Samuel Alexander Mingo as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Samuel Alexander Mingo as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

C. R. Brockmire

Commissioner in Charge.

Registered.

MCR. 3319.

See MCR 2059 for registry receipt for this letter.

COPY!

M.C.R. 3319.

Muskogee, Indian Territory, July 29, 1904.

Samuel Alexander Mingo,
Post Office Box #21,
Alexandria, Louisiana,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the application for identification as a Mississippi Choctaw of Douglas Mingo.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 3319

COPY:

Muskogee, Indian Territory, July 29, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Alexander Mingo et al.,

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

M C R 2098
M C R 3319

Muskogee, Indian Territory, August 12, 1904.

A. P. Blackwell,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you state that some time ago you received notice of the identification of Samuel Alexander Mingo as a Mississippi Choctaw; that he has a number of children and you would like to be advised if his children "come in under the identification of the father" and as to how they must proceed to acquire their rights.

In reply you are informed that it appears from our records that on March 12, 1904, the Commission to the Five Civilized Tribes rendered a decision identifying Samuel Alexander Mingo as a full blood Mississippi Choctaw Indian under the provisions of the 41st section of the act of Congress approved July 1, 1902 (32 Stats., 641).

Relative to the application for the identification as Mississippi Choctaws of the children of Samuel Alexander Mingo, you are advised that the Attorney General for the United States, in an opinion dated June 19, 1903, held that

"paragraph 41 of the agreement of the 21st of March, 1902, does not require the identification of part blood children of Mississippi Choctaws, themselves identified solely by reason of full blood. Such children must in

A P B 2

some other way, if possible, establish their claims to participate in the benefits arising from the treaty of 1830."

Our records show that Douglas Mingo and Samuel A. Mingo, jr., children of Samuel Alexander Mingo, a full blood Mississippi Choctaw Indian, and Celeste Mingo, who is possessed of Spanish and Mexican blood, are applicants to this Commission for identification as Mississippi Choctaws, and on July 29, 1904, a decision was rendered refusing said applications, for the reason that there had not been submitted sufficient proof to establish the fact that these children were the descendants of a Choctaw ancestor who complied with the provisions of the fourteenth article of the Choctaw treaty of 1830.

On the date of the rendition of the above referred to decision the applicants were notified of the Commission's action and that they would be allowed fifteen days from that date within which to file with this office any argument they might desire to submit in support of their claims to be forwarded to the Secretary of the Interior. Upon the expiration of the said fifteen days the record in the case, together with the decision of the Commission and such arguments as may be filed, will be forwarded to the Secretary of the Interior. When departmental action is taken in the case the applicants will be duly notified.

In regard to any children of Samuel Alexander Mingo who

A P B 3

have not heretofore made application for identification as Mississippi Choctaw, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 28, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation this Commission is now without authority to receive or consider the original application of any person for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Samuel Alexander Mingo, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 29, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Samuel Alexander Mingo, et al.,	M.C.R. 3319
Samuel Alexander Mingo, Jr., et al.,	M.C.R. 2998.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures M.C.R. 3319.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Land.
56060-1904.

WASHINGTON October 13, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 15, 1904, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by Samuel Alexander Mingo for himself and his minor child, Douglas Mingo, and by Samuel Alexander Mingo Jr., for himself and his minor child, Samuel Dock Mingo.

July 28, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Samuel Alexander Mingo, was on March 12, 1904, duly identified as a full blood Mississippi Choctaw Indian; that the other applicants are mixed blood Choctaws. It also appears that all the applicants, except the principal applicant, claim rights under Article 14 of the Treaty of Dancing Rabbit Creek, by reason of being descendants of Mingo (or Tishamingo, or Tishmingo) Celeste and Louise (or Louisa) Mingo, all of whom are alleged to have been full-blood Choctaw Indians.

2---

It further appears from the evidence, and from the records of this office, that none of said applicants has ever been recognized, enrolled or admitted to citizenship as a member of the Choctaw Nation, Mississippi, or otherwise, by any Choctaw or United States tribunal. It does not appear from the record, or the records of this office, that the said Mingo (or Tishimingo, or Tishmingo), through whom the applicants claim, or Celeste or Louise (or Louisa) Mingo, or an ancestor less remote signified to any person an intention to comply, or did comply, with the provisions of Article 14, of the Treaty of Dancing Rabbit Creek, or subsequent legislation thereunder.

In view of the record the approval of the decision of the Commission adverse to the applications of Douglas Mingo, Samuel Alexander Mingo, Jr., and Samuel Dock Mingo, is recommended.

Very Respectfully,

M.M.N.
W.

A.C. Tonner,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR
WASHINGTON

Y.P.
FHE
October 26, 1904.

D.C. 41881-1904.
I.T.D. 10528-1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

August 15, 1904, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Samuel Alexander Mingo, for himself and his minor child, Douglas Mingo, and of Samuel Alexander Mingo Jr., for himself and his minor child, Samuel Dock Mingo, including your decision of July 29, 1904, which was adverse to the applicants.

Reporting in the matter October 13, 1904, the Acting Commission of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(signed) E.A. Hitchcock,
Secretary.

1 inclosure.

M.C.R. 3319

Muskogee, Indian Territory, November 7, 1904.

Samuel Alexander Mingo,
Post Office Box #21,
Alexandria, Louisiana,

Dear Sir:

You are hereby notified that on the 26th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as a Mississippi Choctaw of your minor son, Douglas Mingo, included in the consolidated case of Samuel Alexander Mingo, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

Walter B. Bingham
Chairman.

M.C.R. 1319

COPY.

Muskogee, Indian Territory, November 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 26th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Alexander Mingo, et al., a copy of which decision was mailed you on the 29th day of July, 1904.

Respectfully,

RESPECTFULLY

L. L. L. L. L.
Chairman.

Muskogee, Indian Territory, April 7, 1905.

Samuel Alexander Mingo,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you state that under the provisions of the Act of Congress of March 3, 1905, you believe your child, Douglas Mingo, about eighteen years of age, is entitled to identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on October 26, 1904, the Secretary of the Interior approved the Commission's decision of July 29, 1904, refusing the application for the identification of Douglas Mingo as a Mississippi Choctaw. Therefore, it is not believed that he is in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

The Act of Congress of March 3, 1905, authorizes the Commission to receive the applications of infant children born to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment has been approved by the Secretary of the Interior prior to the approval of said Act.

Respectfully,

Commissioner in Charge.

M C R 3319

Muskogee, Indian Territory, April 14, 1905.

A. P. Blackwell,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that Douglas Mingo, whom our records show is now about eighteen years of age, should be enrolled as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved March 3, 1905, which provides for the enrollment of infant children born to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment has been approved by the Secretary of the Interior prior to the approval of said Act.

In reply to your letter you are informed that on October 26, 1904, the Secretary of the Interior approved the Commission's decision of July 29, 1904, refusing the application for the identification of Douglas Mingo as a Mississippi Choctaw. Any rights that he might have had as a citizen of the Choctaw Nation were also adjudicated in the Mississippi Choctaw decision.

You are further informed that it is not believed that the reception of applications, in the form of birth affidavits, for the enrollment of persons eighteen years of age as citizens of the Choctaw Nation, was contemplated by the Act of Congress ap-

A P B 2

proved March 3, 1905.

Respectfully,

Commissioner in Charge.

MCR 2098
MCR 3319

Muskogee, Indian Territory, January 25, 1906.

Phillips, Horton & Phillips,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state that Samuel Alexander Mingo, an identified Mississippi Choctaw, schedule No. 1988, who holds certificate No. 799, dated October 17, 1904, to certain lands in the Chickasaw Nation, has requested you to ascertain when he can get a certificate to land which he claims to have filed on east of Stringtown in the Choctaw Nation. You ask if the proof submitted in support of Mr. Mingo's application is not sufficient to entitle his children to enrollment.

In reply to your inquiry relative to the children of said Samuel Alexander Mingo you are informed it appears from the records of this office that on March 12, 1904, the Commission to the Five Civilized Tribes rendered a decision identifying Samuel Alexander Mingo as a full blood Mississippi Choctaw Indian under the provisions of the 41st section of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The Attorney General for the United States, in an opinion dated June 19, 1903, held that

P H & P 2

"paragraph 41 of the agreement of the 21st of March, 1902, does not require the identification of part blood children of Mississippi Choctaws, themselves identified solely by reason of full blood. Such children must in some other way, if possible, establish their claims to participate in the benefits arising from the treaty of 1830."

The records of this office show that Douglas Mingo and Samuel A. Mingo, jr., children of Samuel Alexander Mingo, a full blood Mississippi Choctaw Indian, and his wife Celeste Mingo, who is possessed of Spanish and Mexican blood, were applicants to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws, and on July 29, 1904, a decision was rendered by said Commission refusing said applications for the reason that there had not been submitted sufficient proof to establish the fact that these children were the descendants of a Choctaw ancestor who complied with the provisions of the 14th article of the Choctaw treaty of 1830.

On October 26, 1904, the Secretary of the Interior approved the decision of the Commission to the Five Civilized of July 29, 1904, refusing the applications for the identification of Douglas Mingo and Samuel Alexander Mingo, Jr. Therefore said applicants are not entitled to share in the distribution of the tribal property of the Choctaws and Chickasaws at this time.

That part of your letter referring to the certificate desired by Mr. Mingo for certain land in the Choctaw Nation will be

P H & P 3

made the subject of a separate communication.

Respectfully,

Acting Commissioner.

MCR-3319

Muskogee, Indian Territory, February 2, 1907.

Samuel Alexander Mingo, Jr.,
Atoka, Indian Territory.

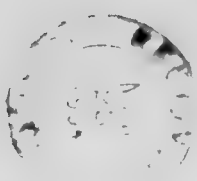
Dear Sir:-

Receipt is hereby acknowledged of your letter of January 9, 1907, addressed to the President of the United States and referred to this office by the Secretary of the Interior for consideration and appropriate action. Therein you request that you be given some assistance in securing your right to identification as a Mississippi Choctaw.

The records of this office show that your application has been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior, and there is now no authority of law for the reception or consideration of any further evidence in support of your claim.

Respectfully,

Commissioner.



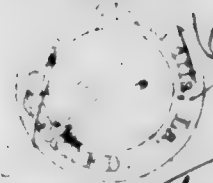
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 23 1904

CHAIRMAN.

1772



1622

Unclaimed - Returned

1622

Samuel Alexander Winco

Postoffice Box 21,

Alexandria, Louisiana.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCOE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



RECEIVED
MUSKOCOE, IND. TER.

PR 23 1904

No. 3219

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name Samuel Alexander Mingo

Age 53 Blood full

Post Office, Alexandria, La

Father: Alexander Mingo (dead)

Mother: Louisa Mingo (dead)

Claims through both parents
wife, Celeste Mingo
(no claim for her)

Children:

~~Walter Mingo~~ 17

Douglas Mingo 13

Claims for self and child.

Stenographer

G. Rosenwinkel

Choctaw - MCR 3320

Lillie Jackson

See MCR 2337

MCR 3320

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 22, 1901.

In the matter of the application of Lillie Jackson
for the identification of herself and three minor children as
Mississippi Choctaws.

Lillie Jackson, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lillie Jackson.
Q How old are you? A Twenty three.
Q What is your post office address? A Linton, Mississippi.
Q What county? A Clark County.
Q How long have you lived in Clark County? A We moved there;
it was in November last year.
Q Where did you live before that? A In Alabama.
Q What county? A Choctaw County.
Q Were you born and raised there? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A David C. Gavin.
Q Is your mother living? A No sir.
Q What was her name? A Jane McCann Gavin.
Q Through which one of your parents do you derive your Choctaw
blood? A Mother.
Q How much Choctaw blood do you claim to have? A $1/32$.
Q How long has your mother been dead? A Six years.
Q How old would she be if she was living now? A She was forty seven
when she died --- fifty three.
Q Do you know where she was born? A No sir.
Q She lived in Choctaw County, Alabama, during your life; do
you know how long before that? A About twelve or fourteen years.
Q Before you were born? A Yes sir.
Q Where did she go from to Choctaw County, Alabama? A She died --
Q I mean where did she go from to Choctaw County? A Clark County,
Mississippi.
Q Through which one of her parents did she derive her
Indian blood? A Mother.
Q What was her mother's name? A Lucy Davis.
Q Is she living? A No sir.
Q Do you know when she died? A No sir.
Q Where did she live during her life time? A In Clark County,
Mississippi.
Q Through which one of her parents did Lucy Davis get her Indian
blood? A Her mother.
Q What was her mother's name? A Harriet Griffin.
Q What was her maiden name? A I don't know.
Q Where did Harriet Live? A I don't know sir.
Q You never saw Harriet Griffin did you? A No sir.
Q You don't know whether she spoke or understood the Choctaw
language? A No sir.

Lillie Jackson, et al., 2.

- Q You don't know whether Lucy Davis spoke or understood the Choctaw language? A No sir.
- Q Did your mother speak or understand the Choctaw language? A No sir, I never did hear her.
- Q Did your mother ever go out to the Indian Territory? A No sir.
- Q Have you ever been there? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Ab Jackson.
- Q Is he living? A Yes sir.
- Q Has he any Indian blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Three.
- Q What are their names and ages? A The oldest little girl, Eddie Jane.
- Q How old? A Five years old.
- Q The next one? A The next one a boy, Roy Calloway
- Q How old? A He is two years old.
- Q The next one? A The baby; she is three months old.
- Q What is her name? A Ada Amelia.
- Q These three children are living with you now are they? A Yes sir.
- Q What is the name of their father? A Ab Jackson.
- Q This application then is for yourself and three minor children? A yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the tribe? A No sir never did.
- Q Did any one ever make such an application for you? A No sir
- Q Did you, or any one for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Is this the first application of any description that has ever been made for you or any of these children? A Yes sir.
- Q Do you now desire to make application for the identification of yourself and three minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in Mississippi and over in the edge of Alabama, along the western boundary. The object of the treaty was to secure the removal of them from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which

Lillie Jackson, et al., 3.

is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Indians were unwilling to move out west to the new country, and insisted that they be permitted to remain here, and for the benefit of those preferring to remain here, the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as shall be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's the 14th article of the treaty; do you think you understand that? A Yes sir.

Q You understand, of course, that that refers to what would be required of the Choctaws living here seventy years ago? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with this 14th article or ever receive any benefits under it?

A No sir, not that I know of.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama at the time this treaty was made? A No sir; not that I know of.

Q Were any of them recognized members of the Choctaw tribe here at that time? A No sir, not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama at that time? A No sir. Not that I know of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir, not that I know of.

Q Did any of your Choctaw ancestors within six months from the time the treaty of Dancing Rabbit Creek was ratified, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A No sir, I don't know anything about that.

Q Did any of your Choctaw ancestors ever claim or receive any land

Georgia Lawson, et al., 4.

from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Q Did any of your ancestors ever receive any land under the provisions of any other article of that treaty, or under the supplement to that treaty? A No sir, not that I know of.

Q So far as you know, then, none of your Choctaw ancestors ever received any land from the Government of the United States under the provisions of this old treaty of Dancing Rabbit Creek? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain and become citizens of the States and take advantage of this 14th article. The records of the Government show that this agent failed to record the names of many Choctaw Indians who did in fact signify to him their intention to remain and become citizens of the States. On this account, in many instances, the Government sold land upon which Choctaws had improvements, and which they supposed they would receive from the Government under this 14th article of the treaty. This action of the Government in selling the land upon which Choctaws lived caused a great deal of complaint among them, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty, but that their land had been sold by the Government; this commission was duly appointed by the President, and the commissioners came down here and heard a few of these cases, but in account of the short time allowed them by the Acts under which they were appointed, they were unable to dispose of but a comparatively small number of cases, and it became necessary to have other legislation on the question, and Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the work of hearing these Choctaw cases. That second commission was duly appointed by the President, and the commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but

Lillie Jackson, et al., 5.

that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government under the provisions of this Act of Congress? A No sir, not that I know anything about.

Q So far as you know, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q And you don't know of any of them that were ever recognized members of the tribe? A No sir.

Q Have you any witnesses before the Commission? A No sir.

Q Do you know of any person living who would be likely to be informed as to ~~whether or not~~ your Indian blood and your ancestry? A Yes sir.

Q Who? A Nancy Buckalew, Thomas Griffin, J.H. Evans, Davis C. Gavin.

Q All of these persons you refer to have been before the Commission to testify in the cases of some members of the Griffin family? A Yes sir.

Q Have you any written evidence you want to offer at this time? A No sir.

You will be allowed a reasonable time in which to submit proper written evidence in case you see fit to do so, and if you should see fit to bring or send any witnesses before the Commission to testify in your behalf in this case, if they appear before the Commission in a reasonable time, they will be examined by the Commission.

Q Have you any brothers over twenty one years of age? A Yes sir.

Q How many? A Four.

Q Name them please? A Rosier Gavin, Rufus Gavin, Ed Gavin and David Luke Gavin.

Q Have you any sisters over twenty one? A Yes sir, one

Q What is her name? A Ada Powers.

Q Now, have you any minor brothers or sisters? A Yes sir two.

Q What are their names? A Evans Gavin; is a little boy, and a little girl, Jane Gavin.

Q Are any of your mother's brothers living? A Yes sir.

Q What are their names? A Charles Davis and Ed Davis.

Q Are any of your mother's sisters living? A Two.

Q What are their names? A Harriet Dedwyler and Deborah Ann McLendon.

Q Those are all? A Yes sir.

(This applicant has the features and facial expression of a white person, and she ~~is~~ has dark skin and dark eyes.)

Lillie Jackson, et al., &.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,
this 24th day of August, 1901.



Notary Public.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M.C.R. 3320

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Lillie Jackson,

Linton, Mississippi.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
Fannie Bowles,	" 3323
Lucy J. Slay, et al.,	" 3324
Harriet I. Carmichael, et al.,	" 3325
Mary M. Dunnam, et al.,	" 3333
Deborah Ann McLendon, et al.,	" 3334
John E. McLendon,	" 3335
Rosier A. McLendon,	" 3336
Norman Gunn,	" 3345
Henry S. Gunn, Jr., et al.,	" 3346
Harriet Dedwylder, et al.,	" 3347
Lucy J. Boykin, et al.,	" 3412
Sallie Davis,	" 3413
John C. Nickels, et al.,	" 3432
Maggie Thornhill, et al.,	" 3434
James C. Denham, et al.,	" 3457
Eva Jopes, et al.,	" 3458
Eliza J. Denham, et al.,	" 3459
James W. Raley, et al.,	" 3460
Emma Britton, et al.,	" 3464
Sallie Jacobs, et al.,	" 3477
John F. Gunn, et al.,	" 3558
Margaret D. Gunn,	" 3559
Alice Gunn,	" 3560
George W. Gunn,	" 3563
James J. Gunn,	" 3564
Harriet Loper, et al.,	" 3566
Alice Loper,	" 3567
Alexander Gunn, et al.,	" 3568
Mattie M. Gunn,	" 3569
Mary E. Gunn,	" 3570
William A. Gunn, et al.,	" 3603
George F. Griffin,	" 3604
Pauline Klopner, et al.,	" 3673
Alice Dunmire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Studie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Charlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(S)

C. I. Hendler.

Registered.

M C R 3320

Muskogee, Indian Territory, December 5, 1902.

Lillie Jackson,

Linton, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date Aug 22 1901
Name Lillie Jackson
Age 23 Blood 1/32

Post Office, Linton, Miss

Father: David C. Gavin L

Mother: Jane M. " d

Claims through Mother.

Husband Ab Jackson L
no claim for husband.

Children:

Eddie Jane Jackson 5
Roy A. " 2
Ada A. " 3mo

(Claims for self and
3 minor children)

Stenographer

R. S. Street

Choctaw MCR 3321

Sam W. Griffin

See MCR 2337

MCR 3321

3321

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 22, 1901.

In the matter of the application of Sam W. Griffin for identification as a Mississippi Choctaw.

Sam W. Griffin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Sam W. Griffin.
- Q What is your age? A Fifty one years old.
- Q What is your post office address? A Fort Worth, Texas.
- Q How long have you lived at Fort Worth? A Five years.
- Q Where were you born? A I was born in Clarke county, Mississippi
- Q How long did you live in Clarke County, Mississippi? A I think I was there about eighteen years.
- Q And from there you went to what place? A To Texas, I went there in 1869, and I have been there ever since.
- Q And you have lived in the state of Texas ever since you went there? A Yes.
- Q What was your father's name? A Thomas B. Griffin.
- Q Is he living? A Yes sir.
- Q Is he the same Thomas B. Griffin who appeared before the Commission on May 23, 1901 for identification as a Mississippi Choctaw? A Yes sir.
- Q What relation is Nancy Buckalew to you? A My aunt.
- Q Have you any other relatives who have appeared before the Commission? A Yes sir, my brothers I suppose have appeared; John C. Griffin, Jim Griffin and Rosier S. Griffin.
- Q Do you want to refer to the testimony given in these cases and have it made a part of the record in your case? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Eliza J. Griffin.
- Q Through which one of these parents do you claim Choctaw blood? A Father.
- Q How much do you claim? A One sixteenth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir, not that I know of.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Sally Griffin.
- Q Do you make any claim for her? A No sir.
- Q What is her blood? A Her blood is Scotch Irish on one side and English on the other.
- Q She is white? A Yes sir.
- Q Have you any children under twenty one years of age and unmarried? A No sir.
- Q You claim for yourself alone then, do you? A Yes sir.
- Q You claim through your father--through which one of his parents does he claim his Choctaw blood? A Through his mother.
- Q What was her name? A Harriet Griffin.
- Q What was her maiden name? A Harriet Genner.

Sam W. Griffin-----2.

- Q She claimed her Choctaw blood through whom? A Her mother.
Q What was her mother's name? A Polly Connor.
Q How much Choctaw blood did your ~~maternal~~ grandmother's mother have?
A I don't know sir.
Q Do you know whether she spoke the Choctaw language? A I don't know that.
Q Do you know through which one of her parents your grandmother's mother--your great grandmother--claimed her Choctaw blood? A Her mother.
Q Do you know her mother's name? A No sir.
Q Do you speak the Choctaw language or have you any knowledge of it?
A No sir.
Q Do you know anything further of your Choctaw ancestor than you have already testified? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you or any one for you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No sir.
Q Have you ever made application before this to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi between the United States government and the Choctaw tribe of Indians on the 27th day of September, 1830. Under the provisions of that article of that treaty, it was intended that those Choctaw Indians who stayed in Mississippi and who wanted land in Mississippi must within six months after the ratification of the treaty of 1830 so signify their intention to the United States Indian Agent living in Mississippi. A great many Indians refused to go to the territory, and article fourteen was put into that treaty in order to protect their interests.

- Q Do you know whether any of your ancestors within six months after the treaty of 1830 was ratified went to the United States Indian Agent, Colonel Ward, and told him that they intended to stay in Mississippi and take land there and become citizens of the United States?
A I don't know.
Q Do you understand article fourteen of the treaty of 1830? A I don't know that I do.
Q Did you ever read it or have it read to you? A I don't know as I ever did.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family bringing desire to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled

Sam W. Griffin---3.

to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your ancestors ever claimed or received any land in Mississippi as a beneficiary under article fourteen of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, I don't know that.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir, I don't know that.

Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi in 1830 or at any time before that? A I don't know sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I don't know.

Q Did any of your ancestors ever go to the Indian Territory? A I don't know.

Q Did any of your Choctaw ancestors ever receive any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know that.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account, the land upon which the Choctaw Indians had improvements and which they desired reserved for them under article fourteen was sold by the government at its public land sales, and the Choctaws were deprived of their land. This action of the government caused many complaints by the Choctaws, and the matter was finally brought to the attention of Congress and

Sam W. Griffin----- 4.

Congress passed an act on March 3rd, 1837, providing for the appointment of a Commission to go to Mississippi and hear these complaints of Indians who claimed rights under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these Commissions appointed under the act of Congress approved March 3rd, 1837, or the act of Congress approved August 23 1842, and attempt to establish rights under article fourteen of the treaty of 1830? A I don't know

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under that act of Congress? A Not that I know of.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know did any of your ancestors ever receive any benefits such as land, money or scrip, from the government as Choctaw Indians? A No sir.

Q Have you any written evidence that you want to submit to the Commission now in support of your application? A No sir.

You will be allowed a reasonable time in which to offer documentary evidence in support of this application; also if you desire to introduce any witnesses before the Commission in support of this application, you will be permitted to do so. It would be desirable for you to get this testimony before the Commission within thirty days.

Q Are there any further statements you want to make in support of this application? A No, sir.

This applicant has the appearance of one descended from white parentage. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of August, 1901.

H.C. Risteen

[Signature]
Notary Public.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M.C.R. 3321

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Sam W. Griffin,
Fort Worth, Texas.

Dear Sir:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
Fannie Bowles,	" 3323
Lucy J. Slay, et al.,	" 3324
Harriet I. Carmichael, et al.,	" 3325
Mary M. Dunnam, et al.,	" 3333
Deborah Ann McLendon, et al.,	" 3334
John E. McLendon,	" 3335
Rosier A. McLendon,	" 3336
Norman Gunn,	" 3345
Henry S. Gunn, Jr., et al.,	" 3346
Harriet Dedwylder, et al.,	" 3347
Lucy J. Boykin, et al.,	" 3412
Sallie Davis,	" 3413
John C. Nickels, et al.,	" 3432
Maggie Thornhill, et al.,	" 3434
James C. Denham, et al.,	" 3457
Eva Jopes, et al.,	" 3458
Eliza J. Denham, et al.,	" 3459
James W. Raley, et al.,	" 3460
Emma Britton, et al.,	" 3464
Sallie Jacobs, et al.,	" 3477
John F. Gunn, et al.,	" 3558
Margaret D. Gunn,	" 3559
Alice Gunn,	" 3560
George W. Gunn,	" 3563
James J. Gunn,	" 3564
Harriet Loper, et al.,	" 3566
Alice Loper,	" 3567
Alexander Gunn, et al.,	" 3568
Mattie M. Gunn,	" 3569
Mary E. Gunn,	" 3570
William A. Gunn, et al.,	" 3603
George F. Griffin,	" 3604
Pauline Klopner, et al.,	" 3673
Alice Dunmire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Gender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

M C R 3321

Muskogee, Indian Territory, December 8, 1902.

Sam W. Griffin,

Fort Worth, Texas.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

#1316

No. 3821

For Identification as a Mississippi Choctaw.

Date AUG 22 1901

Name Sam H. Griffin

Age 51 - Blood 1/16

Post Office, Fort Worth, Texas,

Father: Thomas B. Griffin. l

Mother: Eliza J. " l

Claims through father
wife, Sally Griffin, w.
No claim for wife -

~~Signature~~

Claims for self
alone.

Stenographer H.C. Ritten.

Choctaw MCR 3322

Ada Powers

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See MCR 2337

MCR 3322

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 22, 1901.

In the matter of the application of Ada Powers for the identification of herself and two minor children as Mississippi Choctaws:

Ada Powers, having been first duly sworn, upon her oath ~~xx~~ testifies as follows:

Examination by the Commission:

- Q What is your name? A Ada Powers.
Q What is your age? A Twenty seven.
Q What is your post office address? A Grenada, Mississippi.
Q How long have you lived at Grenada? A I moved there the first of July a year ago.
Q Where were you born? A Choctaw county, Alabama.
Q And how long did you live there? A Until I was eighteen years old--until after I was married, and then removed to Monroe County, Alabama, and from there to Waynesboro, Mississippi, and from there to Grenada.
Q What is your father's name? A David C. Gavin.
Q Is he living? A Yes sir.
Q What is your mother's name? A Jane McC. Gavin.
Q Is she living? A No sir.
Q Through which one of these parents do you claim Choctaw blood.
A My mother.
Q How much Choctaw blood do you claim? A One thirty-second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A Joe N. Powers.
Q What is his blood? A White.
Q He has no Indian blood? A No sir.
Q You don't make any claim for him? A No sir.
Q Have you any children you want to make application for? A Two.
Q What is the name of the oldest? A David N. Powers.
Q How old? A Ten years old.
Q Next? A Ada A. Powers.
Q How old is Ada A. A Five years old.
Q Is Joe N. Powers the father of these two children? A Yes sir.
Q And you are the mother? A Yes sir.
Q When and where were you married to him? A Butler, Choctaw county, Alabama.
Q When? A In 1890.
Q What day of the month? A Twenty second day of December.
Q Have you any relatives who have made application for identification before the Commission as Mississippi Choctaws? A Yes sir.
Q How many of your relatives have appeared? A I don't know how many.
Q Do you wish the records in all the cases examined and made a part of your application? A Yes sir.
Q Your father David C. Powers made application on the 21st of August for his two minor children? A Yes sir.
Q At that time he gave the names of the relatives of yours who have appeared for identification and their relationship? A Yes sir

Ada Powers-----2.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.

Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.

Q Have you or either of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir, not that I know of.

Q Have you ever made application before this for yourself and children to either the Choctaw tribal authorities or the United States authorities ~~xxx~~ for citizenship in the Choctaw Nation? A No sir.

Q Do you now appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under article fourteen of the treaty of 1830? A Yes sir.

Q Do you know anything about that article? A No sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from Mississippi and Alabama to a country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to go to the new country west of the Mississippi river, but preferred to remain here in what constituted the old Choctaw Nation. For the benefits of those Indians who desired to remain in Mississippi and Alabama, the fourteenth article was put into the treaty. That fourteenth article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall he be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the article under which all claimants who come before the Commission are entitled to be heard? you claim under that article do you? A Yes sir.

Ada Powers----3.

Q And you understand that now, do you? A Yes sir, I do.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A Not that I know of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I guess my grandfather and grandmother were, because they have always lived in this country.

Q If they were living here then, do you know whether any of them were recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A I don't know.

Q Did any of your Choctaw ancestors remove from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No sir.

Q Did you ever hear that any of your Choctaw ancestors ever went to the Indian Territory? A No sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, and tell him they intended to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.

Q Did any of your ancestors if Choctaw Indians ever receive any benefits or claim any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.

Q You claim through your mother? A Yes sir.

Q Whom did she claim her Choctaw blood through? A Her mother.

Q What was her mother's name? A Lucy Davis; her maiden name was Griffin.

Q Through whom did Lucy claim her Choctaw blood? A Through her mother.

Q What was her name? A Harriet Griffin.

Q Do you know what Harriet Griffin's maiden name was? A I don't believe I do.

Q You claim your Choctaw blood through her? A Yes sir.

Q Can you go back any farther than that? A No sir.

Q How much Choctaw blood did Harriet Griffin have? A I can't tell; I can trace it back that far.

Q Couldn't you tell how much she had? A I never heard. Thomas B. Griffin was a brother of my mother and Nancy Buckalew a sister of my mother.

Q Do you know whether Harriet Griffin had any Indian name? A No, sir, I have heard her talk in Choctaw.

Q Can you count Choctaw? A No I never learned it.

Q You don't speak the Choctaw language? A No sir, I never learned it.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent

Ada Powers-----4.

failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and become citizens of the states under the fourteenth article of the treaty of Dancing Rabbit Creek. On this account, the land on which Indians had improvements and which they desired reserved to them under article fourteen in many instances was sold by the government at its public land sales, and the Choctaws were deprived of their land. This action of the government caused many complaints and the matter was brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. A similar Commission was appointed in 1842.

Q Did any of your ancestors appear before either of these two commissions, appointed under the act of Congress approved March 3, 1837, or under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi, or in Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A No sir, not that I know of.

Q Did any of your ancestors ever receive any benefits whatever, either land, money or scrip from the government as Choctaw Indians? A No sir, not that I know of.

Q So far as you know were any of your ancestors ever recognized as Choctaw Indians by the United States government? A No sir.

Q Have you any written evidence that you want to introduce now in support of your claim? A No sir.

Q Do you want to offer written evidence in support of your claim at a later date? A Yes sir.

You will be allowed a reasonable time in which to offer written testimony in support of this application. The Commission will be glad to have you offer such written evidence if you are able to do so within thirty days from the date hereof. If you should see fit to bring or send any witnesses to appear before the Commission in your behalf, they may appear before us at Meridian, Mississippi, within a reasonable time, and their testimony will be taken in support of your application.

Q Are there any further statements that you want to make in support of this application? A No sir.

Ada Powers-----5.

This applicant appears to be descended from white parentage. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of August, 1901.

[Signature]

Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M.C.R. 3322.

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Ada Powers,

Grenada, Mississippi.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
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Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nominar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

M C R 3322

Muskogee, Indian Territory, December 5, 1902.

Ada Powers,

Grenada, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

Sub

M.C.R. 3322.

Muskogee, Indian Territory, December 12, 1902.

Ada Powers,

Granada, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 8, 1902, enclosing a newspaper clipping relative to the removal to the Indian Territory of T. B. Griffin and other Mississippi Choctaws.

You refer to the letter of the Commission of July 26, 1902, advising you of the approval by the Secretary of the Interior of the decision of the Commission in the consolidated Mississippi Choctaw case of Thomas B. Griffin, et al., and state that you do not understand why he is entitled to his part of the land and you are denied.

In reply you are informed that the Commission cannot take cognizance of newspaper reports.

You are further advised that the Secretary of the Interior having, on November 1, 1902, approved the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several applicants included in the consolidated case of Thomas B. Griffin, et al., it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

#1317

No. 3000

For Identification as a Mississippi Choctaw.

Date

AUG 22 1901

Name Ada Powers.

Age 27

Blood 1/32

Post Office, Grenada, Miss.

Father: David C. Gavin. l

Mother: Jane Mc C. Gavin. d

Claims through mother
Husband Joe R. Powers, w.

No claim for husband.

Children:

David N. Powers, 10.

Ada A. " 5.

Claims for self &
children -

Stenographer H. C. Reslin

Choctaw MCR 3323

Fannie Bowles

See MCR 2337

MCR 3323

3 3 2 3

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 22, 1901.

In the matter of the application of Fannie Bowles for identification as a Mississippi Choctaw.

Fannie Bowles, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Fannie Bowles.
Q What is your age? A Twenty one.
Q What is your post office address? A Fort Worth, Texas.
Q What is the street number? A #617 Bessie Street.
Q How long have you lived at Fort Worth? A About fifteen years.
Q Where did you live before you lived there? A Cleburne, Texas.
Q Where were you born? A Cleburne, Texas.
Q What is your father's name? A Sam W. Griffin.
Q Is he living? A Yes sir.
Q Is he the same Sam W. Griffin who has just made application before the Commission? A Yes sir.
Q What is your mother's name? A Sally Griffin.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Father.
Q How much Choctaw blood do you claim? A My father claims one sixteenth.
Q And you claim what? A One thirty-second, I guess.
Q Has your father through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A Not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ed Bowles.
Q Is he an Indian? A No sir.
Q What is he? A Irish.
Q He is a white man? A Yes sir.
Q You don't make any claim for him? A No sir, he will have to go to Ireland.
Q You have no children? A No sir.
Q You just claim for yourself? A Yes sir.
Q You derive your Choctaw blood through your father---through which one of her parents does he claim Choctaw blood? A His father.
Q What was his father's name? A Thomas B. Griffin.
Q Is he the same Thomas B. Griffin who appeared before the Commission May 23, 1901, A Yes sir.
Q Are you any relation to Nancy Buckalew who appeared before the Commission July 22, 1901? A Yes, she is my great aunt.
Q Do you want the testimony in the cases of Thomas B. Griffin and Nancy Buckalew to be considered when your case is considered? A Yes sir.
Q Can you give the names of any others of your kin who have appeared before the Commission at Meridian, Mississippi? A Yes sir
Q Give the names of all you can think of? A Jim Griffin and John C. Griffin, my uncles; Nancy Gray, my aunt; Rosier S. Griffin and George Griffin, my uncles; then I have some cousins, Florence Gray--

Pannie Bowles----2.

Q Do you wish to have the records in these cases referred to in your case and their applications made a part of yours? A Yes sir

Q How far back can you go for your Choctaw ancestors? A Not any farther than my grandfather or grandmother.

Q What is the ancestor that you can recall as far back as you can remember or have been told? A My great grandmother.

Q What is her name? A Harriet Griffin.

Q Do you know how much Choctaw blood she had? A No sir.

Q And you don't remember any others? A No sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind you have ever made either to the Choctaw tribal authorities or the United States authorities for admission as a Choctaw citizen? A Yes sir.

Q Do you now appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory as a beneficiary under article fourteen of the treaty of 1830? A Yes sir, I suppose so.

Q Do you understand article fourteen of the treaty of 1830? A No, sir.

The treaty of 1830 or the treaty of Dancing rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi river, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time, this treaty was made, some of the Choctaws were unwilling to remove to the new country west of the Mississippi river, but preferred to remain here in what constituted the old Choctaw Nation. For the benefit of this class of Indians who wanted to remain, the fourteenth article was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reserva-

Pannie Bowles-----3.

tion shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article now? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A Not that I know of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q You never heard? A No sir.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830, do you know? A I don't know.

Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830 or at any time previous to that year?

A Not that I know of.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.

Q You never heard that any of them went to the territory? A No sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent who lived in Mississippi at that time that they intended to stay in Mississippi and take land there and become citizens of the United States? A I never heard about that.

Q Did any of your Choctaw ancestors claim or receive any land in Mississippi under article fourteen of the treaty of 1830. A Not that I know of.

Q Did they ever claim or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government directed an agent here in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. On this account the land upon which Indians had improvements and which they desired reserved for them under said article fourteen, in many instances was sold by the government at its public land sales, and the Choctaws were deprived of their lands. This caused a great deal of complaint among the Choctaws, so that Congress in 1837 passed an act providing for the appointment of a Commission that was to come to Mississippi and hear the complaints of these Choctaws who claimed rights under article fourteen of the treaty of 1830. In the year 1842, Congress passed another act which provided for the appointment of a similar Commission which did afterwards come to Mississippi and heard these complaints under article fourteen.

Fannie Bowles-----4.

Q Did any of your ancestors appear before either of these Commissions appointed under the act of Congress approved March 3, 1837, or the act of Congress approved August 23, 1842, and attempt to establish their rights ~~in~~ under article fourteen of the treaty of 1830?
A I don't know.

The act of Congress approved August 23rd, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A No, sir. I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians, such as land, money or scrip from the government? A Not that I know of.

Q Have you any written evidence that you want to introduce now in support of your application? A No sir.

Q Do you know of the existence of any written evidence showing that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Do you wish to offer written evidence in support of your application at a later date? A Yes sir.

You will be allowed a reasonable time in which to present document any evidence in support of this application, also to offer the testimony of any witnesses that you desire in support of this application.

Q Are there any further statements that you want to make in support of your claim? A No sir.

Q Do you talk the Choctaw language? A No sir.

This applicant has the appearance of one descended from white parentage. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22 day of August 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of August, 1901.

H.C. Risteen
[Signature]
Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3323.

ALL IN THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Fannie Bowles,

Port Worth, Texas.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R. 3266
• George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
Fannie Bowles,	" 3323
Lucy J. Slay, et al.,	" 3324
Harriet I. Carmichael, et al.,	" 3325
Mary M. Dunnam, et al.,	" 3333
Deborah Ann McLendon, et al.,	" 3334
John E. McLendon,	" 3335
Rosier A. McLendon,	" 3336
Norman Gunn,	" 3345
Henry S. Gunn, Jr., et al.,	" 3346
Harriet Dedwylder, et al.,	" 3347
Lucy J. Boykin, et al.,	" 3412
Sallie Davis,	" 3413
John C. Nickels, et al.,	" 3432
Maggie Thornhill, et al.,	" 3434
James C. Denham, et al.,	" 3457
Eva Jopes, et al.,	" 3458
Eliza J. Denham, et al.,	" 3459
James W. Raley, et al.,	" 3460
Emma Britton, et al.,	" 3464
Sallie Jacobs, et al.,	" 3477
John F. Gunn, et al.,	" 3558
Margaret D. Gunn,	" 3559
Alice Gunn,	" 3560
George W. Gunn,	" 3563
James J. Gunn,	" 3564
Harriet Loper, et al.,	" 3566
Alice Loper,	" 3567
Alexander Gunn, et al.,	" 3568
Mattie M. Gunn,	" 3569
Mary E. Gunn,	" 3570
William A. Gunn, et al.,	" 3603
George F. Griffin,	" 3604
Pauline Klopner, et al.,	" 3673
Alice Dunmire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rutus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

M C R 3323

Muskogee, Indian Territory, December 5, 1902.

Fannie Bowles,

Fort Worth, Texas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

#1318

No.

3223

For Identification as a Mississippi Choctaw.

Date AUG 22 1901

Name Fannie Bowles

Age 21

Blood $\frac{1}{32}$

Post Office, Fort Worth, Tex

617 Beanie St.

Father: Sam W. Griffin, l.

Mother: Sally Griffin l.

Claims through father -

Husband Ed Bowles - w.

No claim for husband.

~~Claims~~

Claims for self
alone.

Stenographer

H. C. Risher

Choctaw MCR 3324

Lucy L. Slay

See MCR 2337

MCR 3324

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 22, 1901.

In the matter of the application of Lucy J. Slay for the identification of herself and nine minor children as Mississippi Choctaws.

Lucy J. Slay, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lucy J. Slay.
Q What is your age? A Thirty six.
Q What is your post office address? A Linton, Clark County, Mississippi.
Q Where were you born? A Clark County.
Q Always lived in Clark County? A Yes sir.
Q What was your father's name? A A. F. McLendon.
Q Is he living? A Yes sir.
Q What is your mother's name? A Deborah A. McLendon.
Q Living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A I don't know sir.
Q Can you give us any idea how much Choctaw blood you claim? A No sir, I don't know.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities, in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A D. J. Slay.
Q You make application for him? A He is a white man.
Q You don't make application for him then? A No sir.
Q Give me the names of your children who are under twenty one years of age and unmarried? A John L.
Q How old is John L? A 18.
Q The next? A Agnes L.
Q How old is she? A 16.
Q The next? A Deborah L., 15.
Q The next? A Belle L., 13.
Q The next? A Lucy L., 11.
Q The next? A Frank L., 9.
Q The next? A Delway L., 7.
Q The next? A Mary L., 4.
Q The next? A Grady L., one year old.
Q Is D. J. Slay the father of all these children? A Yes sir.
Q And you are the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Have you any kin folks or relatives who have made application for identification before the Commission? A Yes sir. There 's been a heap of them, a good many.
Q Can you give the names of any? A Yes sir, the Griffins.
Q What were their full names? A Well, uncle Thomas B. Griffin is one, and aunt Nancy Buckalew, and I had an uncle C. N. Davis, and another uncle Edward Davis, and I have cousins, Connor Griffin, Rosier Griffin and Sam Griffin.

Lucy J. Slay, et al., 2.

Q What is the name of some of them who appeared to-day? A There was Mrs. Ada Powers, and Lillie Jackson and Sam Griffin and his daughter, Fannie Bowles.

Q Do you think of any others that appeared at any other time than those you mentioned? A Yes sir. Last week there was a couple of uncle Charley Davis and Ed Davis and my cousin, Gavin and Mrs. Johnnie Jackson from Hattiesburg.

Q Do you want the testimony taken in the cases of these relatives who you have mentioned, and all of your relatives who applied, to be considered in your own application, and to be made a part of the record in your case? A Yes sir.

Q You claim your Choctaw blood through your mother? A Yes sir.

Q Through whom does she claim her Choctaw blood? A Her mother.

Q What was her name? A Harriet Griffin. Oh! no, my mother's mother was Lucy Griffin.

Q What was her maiden name? A My mother's mother was Lucy Davis.

Q What was her maiden name? A Lucy Griffin.

Q Did she claim through her mother? A Yes sir.

Q What was her mother's name? A My grand mother's mother?

Q I guess so? A She was a Griffin - Harriet.

Q Do you know what her maiden name was? A Harriet Connor.

Q Do you know whether she claimed through her father or mother?

A No sir, I don't know.

Q How much Choctaw blood did she have? A I don't know sir.

Q Did you ever see her? A Never did see her.

Q Could she speak the Choctaw language? A No sir.

Q Can you? A No sir, I don't know anything about it.

Q Have you any proof, or evidence of any sort that Harriet Connor is a lineal ancestor of yourself, and that she was a Choctaw Indian?

A No sir, I haven't any with me. Uncle Tom Griffin was aiming to be in with us.

Q When were you married to D.J. Slay? A In 1882.

Q What day of the month? A The 13th day of December, 1882.

Q Were you married under a license and by an ordained minister?

A No sir, we were not married by a minister -- justice of the peace.

Q Is your name, or the names of any of your children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you, or any one for you, or for your children, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you or any one for you in 1896, ~~make~~ or any one for your children at that time, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities?

A No sir.

Q Do you appear before the Commission at this time for the purpose of making an application - claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of article 14 of the treaty of 1830? A Yes sir.

Lucy J. Slay, et al., 3.

Q You don't understand that very well, do you? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of the treaty was to secure the removal of the Choctaw Indians who lived in Mississippi and Alabama to the Choctaw Nation, in Indian Territory. At the time the treaty was made, it was discovered that a portion of the Choctaw Indians wouldn't go to the Choctaw Nation, in Indian Territory, and for the benefit of those Indians who remained, article 14 was inserted into the treaty of 1830. Article 14 of the treaty of 1830, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the article of the treaty of 1830, under which you claim your right now to be identified.

Q You understand that, do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830, do you know? A No sir, I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? A No sir, I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in 1830? A I don't know sir.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi and Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No sir, I don't know.

Lucy J. Slay, et al., 4.

Q Did any of your ancestors, if Choctaw Indians, within six months from the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under article 14 of the treaty of 1830? A I don't know sir.

Q Did they claim ~~xx~~ any land or other benefits under any other article of the treaty of 1830, than the 14th article of that treaty, or under the supplement? A I don't know.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government directed an agent in Mississippi, called Colonel Ward, to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of article 14 of the treaty of 1830. On this account, in many instances, the land on which Choctaw Indians had improvements and which they desired to be reserved for them under article 14 was sold by the Government at its public land sales, and the Choctaws were deprived of their land. This action on the part of the Government caused a great many complaints from the Indians, and as a result Congress in 1837 passed ~~another~~ Act for the appointment of a commission which was to come to Mississippi and hear these claimants who claimed rights under article 14 of the treaty of 1830. In 1842, Congress ~~passed~~ appointed, or rather approved of the appointment of another commission for the purposes above stated.

Q Now, did any of your ancestors appear before either of these commissions appointed under the Act of Congress approved March 3rd, 1837, or under the Act of Congress approved August 23, 1842, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A I don't know.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did they ever receive any benefits as Choctaw Indians? A I don't know sir.

Lucy J. Slay, et al., 5.

Q Have you any written evidence you would like to introduce now in support of your application? A No sir.

Q Do you know of the existence of any written evidence showing that your ancestors complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

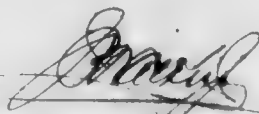
You will be allowed a reasonable time in which to offer proper documentary evidence in support of this application; the Commission will be glad, if you are able to do so, that you should offer this written testimony or evidence within thirty days from the date hereof. If you see fit to introduce any witnesses before the Commission in support of your application, you may do so within a reasonable time from this date.

Q Are there any further statements you want to make in support of this application? A No sir.

(This applicant has the appearance of one descended from white parentage; she does not speak or understand the Chocta language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings upon said date in said cause.

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.



Notary Public.

Meridian, Mississippi, September 24th, 1901.

Lucy J. Slay,

Linton, Mississippi,

Dear Madam:-

Receipt is hereby acknowledged of your letter of the 16th inst., enclosing affidavits of J. L. Slay, Axum Roberts, John H. Fleming and W. M. Vinton. The same have been duly filed with the other records in the matter of your application for the identification of yourself and family as Mississippi Choctaws, and will receive the consideration of the Commission in the disposition of your claim.

Yours truly,

James C. Sibley
Acting Chairman.

M.C.B.3324

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FOLLOWING

17

MISSISSIPPI, INDIAN TERRITORY, July 26, 1902

Lucy J. Slay,

Linton, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

[Signature]

Registered.

M C R 5324

Muskogee, Indian Territory, December 5, 1902.

Lucy J. Slay,
Linton, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas. B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

#1319

No.

5221

For Identification as a Mississippi Choctaw.

Date

AUG 1

Name

Lucy J. Slay

Age 36

Blood

dont know

Post Office, Linton, Miss.

Father: A. F. Mc Lendon, l

Mother: Deborah, A. " l

Claims through

husband Mother

R. J. Slay, w.

No claim for husband.

Children:

John L. Slay	18
Agnes L. "	16
Deborah L. "	15
Belle L. " "	12 13
Lucy L. "	11
Frank L. "	9
Olway L. "	7
Mary L. "	4
Grady L. "	1

Claims for self and
9 minor children.

Stenographer

R. J. Streit

Choctaw MCR 3325

Harriet I. Carmicheal

See MCR 2337

MCR 3325

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 22, 1901.

In the matter of the application of Harriet I. Carmichael for the identification of herself and four minor children as Mississippi Choctaws.

Harriet I. Carmichael having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Harriet I. Carmichael.
Q What is your age? A Thirty three.
Q What is your post office address? A Mannassa, Mississippi.
Q Where were you born? A Clark County, Mississippi.
Q How long have you lived in Clark County, Mississippi? A All my life.
Q Live there now? A Yes sir.
Q What is your father's name? A Frank McLendon.
Q Is he living or dead? A Living.
Q What is your mother's name? A Deborah Ann McLendon.
Q Is she living? A Yes sir.
Q Through which one of these ~~persons~~ parents do you claim Choctaw blood? A My mother.
Q How much do you claim? A I don't know sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities, in Indian Territory?
A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A John J. Carmichael.
Q What is his blood? A White.
Q Do you make any claim for him? A No sir.
Q Have you children under twenty one years of age and unmarried that you want to make an application for? A Yes sir.
Q What is the name of the oldest? A Allen.
Q Boy? A Yes sir.
Q How old is he? A Eight years old.
Q The next? A Dugald.
Q How old? A Six.
Q What is the name of the next? A Walter M.
Q How old? A Four.
Q The next? A John J.
Q How old? A One.
Q Is John J. Carmichael the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Is your name, or the names of your children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you, or any one for you or your children, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
Q Did you, or any one for you, or for your children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress of June

Harriet I. Carmichael, et al., 2.

Q. 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children either to the Choctaw tribal authorities or to the authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q Do you now appear before the Commission for the purpose of making application - claiming rights in the Choctaw lands in Indian Territory ~~and~~ for yourself and children under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time of this treaty, the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of the treaty was to secure the removal of the Choctaw Indians from the country occupied by them in Mississippi and Alabama to the present Choctaw Nation in Indian Territory. At the time the treaty was made, quite a large number of the members of the tribe refused to go to the Indian Territory, and to protect the rights of this class of Indians, article 14 was inserted into the treaty. Article 14 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article 14 of the treaty of 1830, under which all claimants for identification as Mississippi Choctaws make their claim.

Q You understand that all right? A Yes sir.

Harriet I. Carmichael, et al., 3.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830, do you know? A No sir, I don't know.

Q Were any of your Choctaw ancestors living here in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830, or before that time? A No sir, I don't know.

Q Did any of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in the year 1830, or any time previous to that year? A I don't know.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A No sir.

Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A No sir, I don't know.

Q Did any of your ancestors, if Choctaw Indians, claim or receive any land in Mississippi under article 14 of the treaty of 1830? A I don't know.

Q Did they claim any benefits or any land under any other article of the treaty of 1830, other than article 14, or under the supplement to that treaty? A I don't know.

Q

After article fourteen of the treaty of 1830 was ratified, the Government directed an agent here, Colonel Ward, in accordance with the provisions of that article of that treaty, to take the applications of all Choctaw Indians who desired to signify their intention before him of remaining in Mississippi and taking land there and becoming citizens of the United States. The records of the Government show that this United States Indian Agent did not record the names of all of the Choctaw Indians who thus made declarations of intending to remain in Mississippi before him, and as a result of this negligence on the part of this United States Agent, many Choctaw Indians who had improvements on land, had their land taken away from them and sold by the Government at its public land sales. This caused a great deal of complaint, and as a result of these complaints, a commission, approved by Act of Congress in 1837, was appointed, the duty of which commission was to hear all these claimants, claiming rights under article 14 of the treaty of 1830; in 1842, another commission was appointed under an Act of Congress for a similar purpose. As a result of the work of these two commissions lists were made out of the names of Choctaw Indians who claimed rights under article 14 of the treaty of 1830.

Q Now, did any of your ancestors appear before either of the Commissions, appointed under the Act of Congress of March 3, 1837, or the commission appointed under the Act of Congress of August 23, 1842, and attempt to establish their rights under article 14 of the treaty of 1830? A I don't know.

Harriet I. Carmichael, et al., 4.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied in all respects with the provisions of article 14 of the treaty of Daming Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A I don't know sir.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians in Mississippi or Alabama? A No sir.

Q So far as you know, did any of your ancestors ever receive any benefits as Choctaw Indians, such as land, money or scrip? A No sir.

Q Have you any witnesses before the Commission to-day whom you desire to introduce in support of this application? A No sir, they have gone.

Q Have you any documentary evidence you would like to introduce?

A No sir, uncle Tom Griffin was here, but he has gone home.

Q You would avail yourself of his knowledge of your Choctaw blood would you? A Yes sir.

A reasonable time will be given you in which to file any documentary evidence you may desire to submit in support of this application; also, reasonable time in which to introduce the testimony of witnesses, if you see fit to, in support of this application you make for yourself and children.

Q Are there any further statements you want to make in support of this application? A Yes, that's whom we claim, -- uncle Tom Griffin.

Q Give me the names of all of your kin folks that have appeared before the Commission before this time? A Thomas B. Griffin, Nancy Buckalew.

Q When did they appear, do you know? A No sir, I don't know.

Q But it was at this present session of the Commission at Meridian?

A Yes sir. Rosier Griffin.

Q Now, the rest of them? A Dave Griffin, Ed Davis, Charley Davis, Willery Jackson, Lucy Dedwylder, Connor Griffin, Sam Griffin and his daughter, Fannie Bowles, Ada Powers.

Q The last two were here before the Commission to-day? A Yes sir.

Q Any others? A No sir.

Q These are all kin of yours? A Yes sir.

Q And do you wish to refer to the records made in their cases? A Yes sir.

Q And to make the same a part of the record in your case when your case is considered? A Yes sir.

Harriet I. Carmichael, et al., 5.

(This applicant has the appearance of one descended from a white parentage; she does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of Dancing Rabbit Creek.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.

[Signature]
Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3385.

ADJUTANT GENERAL
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Harriet I. Carmichael,

Mannaasa, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommarr Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Studie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Muskogee, Indian Territory, December 5, 1902.

Harriet I. Carmichael,
Mannassa, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Respectfully,
SIGNED.

Acting Chairman.

7/227

No. 3235

For Identification as a Mississippi Choctaw.

Date AUG. 22 1901

Name Harriet J. Carmichael

Age 33 - Blood don't know.

Post Office, Mannassa, Miss.

Father: Frank McClendon, L.

Mother: Rebekah A. " L.

Claims through Mother

~~Husband~~
John J. Carmichael, W.
No claim for husband.

Children: Allen Carmichael, 8
Rugald M., " 6
Walter M., " 4
John J., " 1

Claims for self
and children.

Stenographer R. S. Street,

Choctaw MCR 3326

Mary Pratt

See MCR 3327, 6041

MCR 3326

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Pratt, et al., for
identification as Mississippi Choctaws, consolidating the applica-
tions of:

Mary Pratt, et al., M.C.R. 3326
Lissie Steward, et al., M.C.R. 3327
Charles R. Pratt, et al., M.C.R. 6041

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of Mary Pratt,
et al.,

	(Page)
Original application of Mary Pratt, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Lillie Preston-----	3
Original application of Lissie Steward, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	7
Original application of Charles R. Pratt, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	11
Affidavit of Lillie Preston-----	20
Affidavit of Lillie Preston-----	21
Decision of the Commission refusing the con- solidated application of Mary Pratt, et al., for identification as Mississippi Choctaws-----	22

-----o-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 24, 1901.

3326

In the matter of the application of Mary Pratt for identification of herself and her three minor children and three minor grandchildren as Mississippi Choctaws.

Not represented by attorney.

Mary Pratt being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Pratt.
Q P-r-a-t-t? A Yes.
Q What is your age? A Fifty-nine.
Q What is your post-office address? A Lannins, Fannin County, Texas.
Q How long have you lived there? A It has been twenty eight, we have lived in Fannin County twenty eight years, not always right at Lannins.
Q Where did you live before you lived in Texas? A In Arkansas.
Q How long did you live in Arkansas? A I was born there.
Q And lived there until you went to Texas? A Yes.
Q And lived there ever since? A Yes.
Q You never lived in Mississippi? A No.
Q What is your father's name? A Fred Wafford.
Q How do you spell that? A I can't spell it, I can't read.
Q Is he living? A I don't know that he is I can't say I was brought to Texas and my mamma died.
Q Who brought you to Texas? A Our owners.
Q What was your mother's name? Julia Foster.
Q She is dead? A Yes that was her given name.
Q Through which one of your parents do you get your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A Well he was, I don't know whether he was one-half breed or whole breed. I just knowed that he was Choctaw.
Q You don't know how much Choctaw blood your father had? A I guess he was just a Choctaw Indian that is all that I could tell you.
Q You think you are one-half? A I reckon that I can't tell you any more only that he was a Choctaw Indian.
Q How do you know that? A I have witnesses that he and my mother were living together and had two children.
Q How do you know that he was a Choctaw Indian? A They say so.
Q Who says so? A People that knew him.
Q Who are these people? A This woman back here.
Q What is her name? A Lillie Preston.
Q Were your father and mother married? A Well they married like all other people in them times and called it married.
Q Did a minister marry them? A I don't know whether he did or not.
Q How many children did they have? A Two children is all there was of us.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for identification as a Mississippi Choctaw.

- Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Well I don't know I was not born and we paid no attention to this. We never cared for anything until this question came up and they said that all who had Choctaw within them would get a right and people told me to come and prove up my right.
- Q How are you going to do this? A Just like anybody else, by witnesses prove that they lived together as man and wife.
- Q What relation is this witness to you? A We was just all raised together and belong to the same people.
- Q No relation of yours? A No relation only raised together.
- Q Is she making claim for herself? A Yes.
- Q Do you know how old your father would be if he were living now? No, I would not because I was not old enough to know about that when they brought us to Texas. We was brought to Texas by our owners and they left all our old people behind.
- Q Was your mother a slave? A Yes.
- Q Was your father slave? A No I think he was a free Indian. I never heard of any one owning him.
- Q You were a slave? A Yes.
- Q What is your husband's name? A Henry Pratt.
- Q Is he living? Yes.
- Q What is his blood? A Colored people he has no Indian blood that he knows of.
- Q You make any application for your husband? A No.
- Q Have you any children under twenty-one years of age and unmarried for whom you want to make application at this time? A Three.
- Q Give the names and ages of these children? A The oldest one is nineteen.
- Q What is the name? Thomas Pratt.
- Q Next? A Seventeen, she is Daisy Pratt. and a Boy sixteen.
- Q What is his name? A Chester Pratt. I have three minor orphan children, their mammy and daddy is dead. They are my daughters children.
- Q Their mother was your daughter? A Yes.
- Q Do they live with you? A Yes.
- Q You are the grandmother of these three children? A Yes.
- Q What is the name of the father of your children? A Henry Pratt.
- Q Give the names and ages of these three grandchildren? A Annie May Edmond.
- Q Do you know how that last name is spelled? A No I do not know anything about reading and writing.
- Q How old is Annie May? A She is eighteen.
- Q Next? A Lena Edmond.
- Q How old? A Fifteen.
- Q Next? A Eddie Edmond? Q How old? Ten.
- Q Who is the father of these children? A John Edmond.
- Q Isn't he living? A No.
- Q Who is the mother of these children? A Alice Edmond. My daughter.
- Q She is dead? A Yes.
- Q These children get their Choctaw blood through their mother and through you? A Yes.
- Q What was their father? A He was a negro too. He had a claim but he did not live long enough to prove it up, I could not say anything about it.

#3

- Q Was your father living in Mississippi in eighteen hundred and thirty? A No not that I know of.
- Q Where was he living in eighteen hundred and thirty? I could not tell you because I don't know a thing about the dates and I paid no attention to anything of the kind.
- Q What was your father's father's name? A I don't know that I was not big enough.
- Q What was your father's mother's name? A I don't know that either.
- Q You know which one of your father's parents claimed to be Choctaw? A No he was just only called a Choctaw himself that is all I know about it. He might have got it from his mother I don't know ..
- Q You don't know whether your father or your father's father and mother were living in the old Choctaw Nation in eighteen hundred and thirty? A No I don't know a thing about it because I don't know anything about the Indians moving or anything of that kind.
- Q You never heard anything about any one of them? A No.
- Q How old is this woman who is going to be a witness for you? A As near as I know it is eighty-five, I don't know her age, no more than what she says.
- Q How long ago did she know your father? A When she was young I reckon, she raised me when I was just a baby. She knowed me when she was quite a young woman.

Applicant excused.

Lillie Preston being first duly sworn testified as follows:

- Q What is your name? A Lillie Preston.
- Q What is your age? A I don't know nt age correct to the count. I must be about eighty or eighty five as near as I can get to it.
- Q Do you know Mary Pratt? A Yes.
- Q What relation are you to her if any? A Just a mere fellow-servant.
- Q Did you know her father? A Well I saw him he used to come in Saturday nights just like men will do to see his wife.
- Q Were he and Julia Foster married? A Yes the way they married in them days.
- Q Mary Pratt's mother was a slave? A Yes but this girls father was an Indian man.
- Q Was he a full blood Indian? A Yes.
- Q How do you know that? A That is that they told me I am just going by what they told me.
- Q Did you ever see him? A Yes I seen him.
- Q What did he look like? A Like an Indian.
- Q What kind of an Indian? A Dark, very dark.
- Q What tribe did he belong to? A He was a Choctaw as near as I know.
- Q Did you know that he was a Choctaw Indian? A Nothing only just what they said.
- Q When was it that you knew him? A It has been a good while.
- Q How long ago did you first know him? A It has been fifty or sixty years. When I was took away from my child, he was there.
- Q Where did you know him? A In Arkansas.
- Q Did you ever live in Mississippi? A No I lived in Missouri.
- Q You never knew Mary Pratt's father in Mississippi? A No I knew him after he came to Lee's Creek.
- Q Was that in Arkansas? A Yes.
- Q Do you think that was about fifty-or sixty years ago? A Yes.

- Q Did you know him before Mary Pratt was born? A Yes her
Mammy's husband.
- Q Well you seen him and knew him before Mary Pratt was born? A
Yes.
- Q Was Mary Pratt the only child they had? A No they had an older
one.
- Q How much older? A I could not tell you.
- Q Did you know Mary Pratt's father before this older child was
born? A Yes I knew him when he married his mother. Yes we
were fellow servants, me and Mary Pratt, and belonged to the same
white folks the Fosters. We came from Howard County Missouri.
- Q What was Mary Pratt's father's name? A Fred Wafford.
- Q You knew Mary Pratt's father, Fred Wafford, then before
her elder brother was born? A Yes he was older.
- Q You don't know how much older? A No I don't know.
- Q Did you know Mary Pratt's mother at the time Julia Foster? A Yes
- Q And did you know Fred Wafford at the time he married Mary
Pratt's mother Julia? A Yes we belonged to the same white
folks. He did not belong to any of them.
- Q What I said was did you know Fred Wafford at the time he married
Mary Pratt's mother? A Yes.
- Q You knew him then? A Yes.
- Q Do you know where Fred Wafford came from to Arkansas? A No I
don't know.
- Q About how long before the big War was it that you knew him
there in Arkansas when he married Mary Pratt's mother? A That
was before the War when I knew him.
- Q About how long before the War was it? A I don't know.
- Q Did you know Fred Wafford in Missouri? A No I knew him at
Lee's Creek in Arkansas.
- Q That was before you went to Missouri? A No we went there from
Missouri.
- Q Did you know this Fred Wafford, did you see him right away when
you went to Arkansas? A No.
- Q About how long was it? A I don't know how long.

Witness excused.

Applicant R-e c a l l e d .

- Q How much older was this older brother than you? A Well we was
children together I could not tell you his age.
- Q You don't know whether he was one or two or three years older
than you? A No he might have been two years older.
- Q Do you know where your father went to from Arkansas? A No he
only just lived in the Choctaw Nation.
- Q In this Choctaw Nation? A Yes up here close to Ft Smith and
I was just told by parties that Choctaw blood had a right to
land in the Choctaw Nation that is what brought me here.
- Q The time in which the Commission could hear original applications
for citizenship in the Choctaw Nation expired that means? A
Done passed.
- Q Yes, within ninety days of June 10, 1896 after that the Commis-
sion did not have any authority to hear original applications for
citizenship and now the Commission cannot hear applications for
enrollment as citizens by blood of the Choctaw Nation, it can
hear applications for identification as Mississippi Choctaws
but not hear applications for enrollement as Choctaws by blood. T
The law say that the Commission shall not hear, receive or con-
sider any application of any person for enrollment as a Choctaw
unless his name is on some of the tribal rolls of the Choctaw
Nation or unless that person was admitted by the Choctaw Council
or was admitted to citizenship in the Choctaw Nation by the

Dawes Commission or the United States Court and unless your name is enrolled by the Choctaw tribal authorities or you have been admitted to citizenship in the Choctaw Nation by the Dawes Commission or by the United States Court, or by the Choctaw tribal Council, the Commission would not have any authority to take your application for enrollment or make any record of it?

- Q Now is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q Did you ever apply to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you or did any one for you or your children in eighteen hundred and ninety six make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No.
- Q Have you or your children or your grandchildren been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A Not that I know of.
- Q Have you ever applied before this time to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children or your grandchildren admitted or enrolled as citizens of the Choctaw Nation? A No.

The law under which the Commission is acting at this time in hearing these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the "Curtis Act" and is as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

- Q Now do you claim as a Mississippi Choctaw? A No.
- Q You understand the difference now between making application for enrollment as a Choctaw by blood and for identification as a Mississippi Choctaw? A No I never was in Mississippi.
- Q You don't claim that any of your ancestors ever were in Mississippi? A I could not say whether my father came from there or not. I have got no witnesses. I was taken away from my people when I was eight or nine years old. People told me eight or nine years ago that everybody that had Choctaw blood had a right in the Choctaw Nation.
- Q Why did you not come up then? A I just thought it was foolishness.
- Q In order for you to be identified as a Mississippi Choctaw you would have to show that your father's people, his father or mother grandfather or grandmother were living in the old Choctaw Nation in Mississippi or Alabama in eighteen hundred and thirty and that they went to the Indian Agent there in Mississippi within six months after the treaty was ratified. Do you know what a treaty is? A Yes I heard of it.
- Q And told him that they wanted to stay there in Mississippi and you would have to show that he was a recognized Choctaw Indian and lived in the old Choctaw Nation at that time? Now, do you think that your father's father or mother did that? A They

#6

might have done it I have no witnesses back far enough to prove that.

Q Is there anybody living who would know whether your father lived in the old Choctaw Nation in eighteen hundred and thirty or not? A They are not here if they are they are in Ft Smith or somewhere about there. Yes there is one witness I have in Texas, I have some white people over there that might know.

Q Have you any papers that you want to file? A No I have not.

Q

Now if you want to file any papers, or any evidence to show that your father or his father and mother lived in the old Choctaw Nation in eighteen hundred and thirty and were recognized Choctaw Indians and went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay there and take land and become citizens of the United States you can send it in.

Q A Yes.

If you can find any witnesses and bring them before the Commission you can do so and the Commission will hear the ? A Yes.

This applicant has the appearance of a full blood negro except that her hair is long and not quite so curly as that of a full blood negro. She does not know the names of her ancestors further back than her father and mother and knows nothing about them except what she has been told by outsiders. She states that she does not make any claim as a Mississippi Choctaw but she has been examined in order to find out if she knew of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

Clara Mitchell Wood
Notary Public.

Over

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mary Pratt, et al.,
for identification as Mississippi Choctaws, consolidating
the applications of:

Mary Pratt, et al.,	M.C.R. 3326
Lizzie Steward, et al.,	M.C.R. 3327
Charles R. Pratt, et al.,	M.C.R. 6041

-----D E C I S I O N -----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Mary Pratt for herself and her three minor children, Thomas, Daisy and Chester Pratt, and for her three minor grand-children, Annie May, Lena and Eddie Edmond; by Lizzie Steward for herself and her minor child, Daisy Steward, and by Charles R. Pratt for himself and his minor child, Leo Pratt, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior".

It also appears from the testimony that the principal applicant herein was born of a slave mother, prior to the Emancipa-

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Pratt, Thomas Pratt, Daisy Pratt, Chester Pratt, Annie May Edmond, Lena Edmond, Eddie Edmond, Lissie Steward, Daisy Steward, Charles R. Pratt and Leo Pratt as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory

DFC 18 1902

Muskogee, Indian Territory, December 18, 1902.

S.W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pratt, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pratt, et al.,	M.C.R. 3326
Lizzie Steward, et al.,	M.C.R. 3327
Charles R. Pratt, et al.,	M.C.R. 6041

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Pratt, Thomas Pratt, Daisy Pratt, Rhester Pratt, Annie May Edmond, Lena Edmond, Eddie Edmond, Lizzie Steward, Daisy Steward, Charles R. Pratt and Leo Pratt as such should therefore be refused, and it is so ordered."

-2-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Lacey
Acting Chairman.

Registered

M.C.R. 3326

COPY

Muskogee, Indian Territory, December 18, 1902.

Mary Pratt,

Laninus, Texas.

Dear Madam:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pratt, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pratt, et al.,	M.C.R. 3326
Lizzie Steward, et al.,	M.C.R. 3327
Charles R. Pratt, et al.,	M.C.R. 6041

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mary Pratt, Thomas Pratt, Daisy Pratt, Chester Pratt, Annie May Edmond, Lena Edmond, Eddie Edmond, Lizzie Steward, Daisy Steward, Charles R. Pratt and Leo Pratt as such should therefore be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Wm. D. Dwyer
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pratt, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pratt, et al.,	M.C.R. 3326
Lizzie Steward, et al.,	M.C.R. 3327
Charles R. Pratt, et al.,	M.C.R. 6041

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mary Pratt, Thomas Pratt, Daisy Pratt, Chester Pratt, Annie May Edmond, Lena Edmond, Eddie Edmond, Lizzie Steward, Daisy Steward, Charles R. Pratt and Leo Pratt as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be

-2-

forwarded to the Secretary of the Interior through the Commissioner
of Indian Affairs.

Respectfully,

~~James H. Smith~~
Acting Chairman.

Muskegee, Indian Territory, January 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Pratt, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 18, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Mary Pratt, et al.,	M.C.R. 3326
Lissie Steward, et al.,	M.C.R. 3327
Charles R. Pratt, et al.,	M.C.R. 6041

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 3326

Acting Chairman.

(C O P Y)

Refer in reply to the following:
Land-- 1448--1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, Feb. 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Mary Pratt for the identification of herself and her three minor children, Thomas, Daisy and Chester Pratt, and for her three minor grandchildren, Annie May, Lena, and Eddie Edmond; also the application of Lizzie Steward for the identification of herself and her minor child, Daisy Steward; also the application of Charles R. Pratt, for the identification of himself and his minor child, Leo Pratt, as Mississippi Choctaws.

On December 18, 1902, the Commission rendered a decision in this case finding that no freedman is entitled to identification as a Mississippi Choctaw under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495); and that these applicants

2.

being freedmen their application should be refused.

An examination of the record evidence shows that all of these applicants claim to have inherited their Choctaw blood from a common ancestor, named Fred Wafford, or Fredd Wauford; but neither the record evidence nor an examination of the records of this office show that any person by the name of Fred Wafford or Fredd Wauford ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land thereunder. The record evidence does show that none of these applicants is a Choctaw Indian of the full blood.

By reason of the premises the office considers that these applicants are not entitled to be identified as Mississippi Choctaw Indians with rights in the lands of the Choctaw Nation, and therefore recommends that their application for such identification be denied by the Department.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

W.C.B. (S.)

(COPY)

YAP

DEPARTMENT OF THE INTERIOR,

Washington, March 26, 1903.

I.T.D. 2256--1903.

D.C. 8984--1903.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

January 3, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Mary Pratt and her minor children, Thomas, Daisy and Chester Pratt, and her minor grandchildren, Annie May, Lena, and Eddie Edmond; of Lizzie Steward and her minor child, Daisy Steward; and of Charles R. Pratt and his minor child, Leo Pratt. You denied the applications December 18, 1902.

The principal applicant in the case, it appears, was born of a slave mother and was herself a slave, and the other applicants are her lineal descendants. You held that no freedman is entitled to identification as a Mississippi Choctaw.

The applicants claim to inherit their Choctaw blood from one Fred Wafford (or Fredd Wauford), and the Acting Commissioner of

2.

Indian Affairs reports February 24, 1903, that the records of the Indian Office fail to show that Fred Wafford complied or attempted to comply with article 14 of the treaty of September 27, 1830, and he recommends that the applications be denied. A copy of his letter is inclosed.

Concurring in said recommendation, the Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 7, 1903.

S. T. Isaac,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Pratt et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

(SIGNED).

C. R. Breckinridge.
Commissioner in Charge.

M C R

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Pratt et al., of which decision you were advised by mail on the 18th day of December, 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

COPY.

Muskegee, Indian Territory, April 7, 1903.

Mary Pratt,

Wannus, Texas.

Dear Madam:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Pratt et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

Yours,

C. R. Breckinridge.
Commissioner in Charge.

Consolidated Case of
Mary Pratt et al.
Ref MCR 3326

Fred Wafford
or Wafford
or Fidd Wauford
or Wasuf (fl?)

↓

Julia Foster
Slave (dead)

men
3326

Mary Pratt 59-
Slave

husband

Henry Pratt
(slave) (neg)

men
3326

Thomas Pratt 19

" Daisy " 17

" Chester " 16

Alice Pratt

mae dead

John Edmond
(negro) (dead)

men

3326

Annie May Edmond 18

" Lena Edmond 15

" Eddie Edmond 10

men

3327

Lizzie Pratt 24- $\frac{1}{3}$

mar

Jeff Steward
(negro)

men

3327

Daisy Steward 1-8 mo

men
6041

Charles R. Pratt 29- $\frac{1}{4}$

wife
mae

Martha Pratt

men

6041

Leo Pratt 3

Cont'd

Henry Pratt
Edward Pratt
Matthew Pratt
Emmett Pratt
Fannie Pratt

mar

— Brown

Willie Pratt

mar

— Sealy

Hattie Pratt

mar

Mary Pratt

— Carter

Daisy Pratt

mar

— Haynes

Lillie Pratt

mar

— Rayford

No. 3223

For Identification as a Mississippi Choctaw.

Date AUG 24 1901

Name Mary Pratt

Age 39 Blood

Post Office, Lammus Texas,

Father: Fred Hafford

Mother: Julia Ann Foster (dead)

Claims through father

husband: Henry Pratt

(inclusion for him)

Claims for self and three children and 3 grand children

Children:

Thomas Pratt 19

Daisy " 17

Chester " 16

Grand children

Urrie May Edmond 18

Lena " 15

Eddie " 10

Father: John Edmond (dead)

Mother: Alice " (dead)

Stenographer

E. Rosenwinkel

Consolidated Miss for Care of
Mary Pratt at almb R 3326
Ezzie Stewart " " 3327

Markogre J. J.
July 11. 1902

Received of the Commission to the Five
Civilized Tribes one copy of the testimony of the
Principal applicants in the above cases

S. W. Isaac

Choctaw MCR 3327

Lizzie Steward

See MCR 3326

MCR 3327

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 24, 1901.

3327

In the matter of the application of Lizzie Steward for identification of herself and her minor child as Mississippi Chectaws.

Applicant not represented by attorney.

Lizzie Steward being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Lizzie Steward.
Q How do you spell Steward? A S-t-e-w-a-r-d.
Q What is your age? A Twenty-four.
Q What is your post-office address? A Lannins, Fannon County, Texas.
Q How long have you lived there? A Always.
Q You were born there? A Yes.
Q Never had a home anywhere else? A No.
Q What is your fathers name? A Henry Pratt.
Q Is he living? A Yes.
Q What is your mother's name? A Mary Pratt.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Chectaw blood? A My mother.
Q How much Chectaw blood do you claim? A I don't know, she is one-half and I guess I would be one-third.
Q You think your mother is one-half? A Yes.
Q If your mother is one half you would be one half of what she is, would you not? A No one-third I guess.
Q What was your mother's other blood? A Negro.
Q What was your father's blood? A He is a Negro.
Q Was your mother a slave? A Yes.
Q Was your father a slave? A Yes.
Q Are you married? A Yes.
Q What is your husband's name? A Jeff Steward.
Q Is he living? A Yes.
Q What is he? A He is a negro.
Q Do you make application for him? A No.
Q Have you any children for whom you wish to make application at this time? A My baby.
Q What is that baby's name? A Daisy Steward.
Q How old? A One year and eight months old.
Q You are the child's mother? A Yes.
Q What is the name of its father? A Jeff Steward.
Q Is your name on any of the tribal rolls of the Chectaw Nation in Indian Territory? A No.
Q Has your mother ever been recognized in any way or enrolled as a member of the Chectaw tribe of Indians by the Chectaw tribal authorities or the authorities of the United States? A No.
Q Have you ever applied to the Chectaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Chectaw Nation under the act of June 10, 1896? A No.

#2

- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I don't understand.
- Q Well what do you claim? A I claim one-third.
- Q One-third what? A Choctaw.
- Q Do you claim as a Mississippi Choctaw? A Well I don't know that.
- Q You know anything about the treaties? A No.

The law under which the Commission is acting at this time in hearing these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other act necessary thereto and make report of the Secretary of the Interior."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River and move them all to the Country west of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family

or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent there and told him that they wanted to stay in the State of Mississippi and take land there but when an Agent was sent down by the government to locate the land for the Indians he found that there were a great many who claimed that they had gone to the Indian Agent and told him that they wanted to stay there whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress men were appointed as Commissioners to go down into Mississippi and find out which of these Indians were entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed in several hundred cases. Some were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip with which they could locate land from any of the public domain in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q How old is your mother? A Fifty-nine.
 Q And what is her father's name? A Fred Wafford.
 Q What was her mother's name? A Julia Foster.
 Q Which one of your mother's parents claimed to be Choctaw? A
 A Her father.
 Q Do you know what your grandfather's father's name was? A No.
 Q You know what your grandfather's mother's name was? A No.
 Q Did you ever see your grandfather? A No.
 Q Do you know if he ever lived in Mississippi? A No I don't know.
 Q Do you know if he went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there in Mississippi and take land? A No.
 Q You don't know anything about your grandfather do you? A No.
 Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to get proof that your grandfather or his father or mother were Choctaw Indians and lived in the old Choctaw Nation in Mississippi or Alabama in eighteen hundred and thirty and that they or one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay there in Mississippi and take land there. Do you think you can get any evidence on that? A I will try.
 Q Have you any papers that you want to file now? A No. I believe not.
 Q Is there anything else that you want to say? A No I believe not

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses their depositions or affidavits of any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

- Q Do you understand that? A Yes.

This applicant has the appearance and features of a full blood negro and shows no traces of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and does not know whether any of her ancestors lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkle being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 24th, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkle

Subscribed and sworn to before me this 9th day of November 1901.

Clara Mitchell Wood

Notary Public.

M.C.R. 3327

COP

Muskogee, Indian Territory, December 18, 1902.

Lizzie Steward,

Lanham, Texas.

Dear Madam:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pratt, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pratt, et al.,	M.C.R. 3326
Lizzie Steward, et al.,	M.C.R. 3327
Charles R. Pratt, et al.,	M.C.R. 6041

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mary Pratt, Thomas Pratt, Daisy Pratt, Chester Pratt, Annie May Edmond, Lena Edmond, Eddie Edmond, Lizzie Steward, Daisy Steward, Charles R. Pratt and Leo Pratt as such should therefore be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M C R 3827

COPY.

Muskogee, Indian Territory, April 7, 1903.

Lizzie Steward,

Lanham, Texas.

Dear Madam:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Pratt et al., of which decision you were advised by registered mail on the 18th day of December 1902.

Respectfully,

SIGNED:

C. R. Breckinridge.
Commissioner in Charge.

No. 5521

For Identification as a Mississippi Choctaw.

Date AUG 24 1901

Name Lizzie Steward

Age 24 Blood: Choctaw 1/4

Post Office, Indian Territory, Texas

Father: Henry Pratt

Mother: Mary Pratt

Claims through mother

Husband: Jeff Steward
(no claim for him)

Children:

Jeff Steward 1-8-10

Claims for self and child

Stenographer

G. (Rosenwinkel)

Choctaw MCR 3328

Margaret Whitlow

MCR 3328

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Margaret Whitlow,
et al., for identification as Mississippi Choctaws, M C R 3326.

List of papers forwarded to Secretary of the Interior
comprising the record in above entitled case.

Original application of Margaret Whitlow
et al., to the Daves Commission for
identification as Mississippi Choctaws..... 1

Decision of the Commission refusing the
application of Margaret Whitlow, et al.,
for identification as Mississippi Choctaws..... 6

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 24, 1901.

3328

In the matter of the application of Margaret Whitlow for identification of herself and her five minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Margaret Whitlow being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Margaret Whitlow.
Q W-h-i-t-l-o-w? A I don't know how to spell it..
Q What is your age? A About forty years, I was born about the time they was mustering for the War.
Q What is your post-office address? A Dodd City.
Q What State? A Texas.
Q What County? A Fannin County.
Q How long have you lived there? A I was born about 20 or 25 miles North of Bois' de arc.
Q How long have you lived in Texas always? A Yes.
Q never had a home anywhere else? A No.
Q What is your father's name? A John Wilcox.
Q He is living? A I don't know.
Q What is your mother's name? A Millie Yeakum.
Q Do you know how to spell that? A No.
Q Is your mother living? A No.
Q Which one of your parents claimed to be Choctaw? A My father.
Q How much Choctaw blood do you claim? A I claim one-half.
Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know.
Q Was your father a slave? A No.
Q Did you ever see your father? A Yes I remember when we was set free he wanted to take me home with him.
Q Where? A I don't know. I would not go I wanted to stay with mother. He gave me a twenty dollar gold piece and a nice calico dress and some beads.
Q Where did he go? A I don't know he said he was going home and never expected to see me again.
Q How old were you when all this happened? A I don't know I was old enough to remember and the language he talked I could not understand?
Q Were your father and mother married? A I don't know they acted like they was married people.
Q Were they married by a minister? A I don't know.
Q Is there anybody living who would know? A Yes my master's brother is living? A
Q Did he know your father and mother? A Yes.
Q Can you get an affidavit from him that they were recognized as man and wife? A Yes.
Q Can you get an affidavit from anybody else? A Yes I can get it from Mr. Bill Ward and John Jolly.
Q Who are they? A They are white people.
Q That knew your father and mother? A Yes.
Q You will get them and send them into the Commission? A Yes.

#2

- Q Was your mother a slave? A Yes.
- Q Were you a slave? A Yes I was born a slave?
- Q Are you married? A Yes.
- Q What is your husband's name? A Dennis Whitlow.
- Q Is he living? A A Yes he was when I left home.
- Q What is his blood? A Negro.
- Q Do you make application for him? A No.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes I have five.
- Q Give the names and ages of these children? A Maggie.
- Q How old? A Thirteen.
- Q Next? A Wesley Whitlow.
- Q How old? A He is twelve years old.
- Q Next? A Frank Whitlow.
- Q How old? A Eight years old.
- Q Next? A Perry Whitlow.
- Q How old? A He is seven years old.
- Q Next? A Dabney Whitlow.
- Q How old? A She is five years old.
- Q You are the mother of these children? A Yes.
- Q What is the name of their father? A Dennis Whitlow.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No I have not.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No not that I remember of.
- Q That was five years ago you would remember if you had made any application then? A No I didn't make any. ---Let see there was
- Q some one that said they would make application for me but I can't remember.
- Q Some one told you they put in an application for you? A No they said they would out it in.
- Q Did you ever hear from that application? A No.
- Q Did you pay them anything to put it in? A Yes.
- Q What did you pay him? A I paid two dollars.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What do you claim to be now? A Choctaw one-half Choctaw.
- Q Do you claim as a Mississippi Choctaw? A I don't know. I know
- Q my father told me I was Choctaw. He told me to remember that and said when you get old enough you can look out for your home.

The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1898, which provides:

#2

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This law gives the Commission the right to determine the identity of applicants who claim under the fourth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi River, but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wished to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wished to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

If those Indians who wanted to stay in Mississippi would go to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to stay they would land land for themselves and their children and if they lived on that land for five years after the ratification of this treaty they would get a title to it, in doing this they would not lose the right of a Choctaw citizen but if they ever removed would not be entitled to any portion of the Choctaw annuity.

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land and become citizens of the United States but when a locating agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed they had gone to the Indian Agent whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress men were appointed to go down into Mississippi and look into this matter and find out which of these Indians were really en-

titled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a large number of claims, some were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip with which they could buy land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did your father live in the old Choctaw Nation in eighteen hundred and thirty? A I don't know where he lived.
- Q Do you know how old your father would be if he were living now? A No I would not know.
- Q Do you know what his father's name was? A No he did tell me but I don't remember.
- Q You know what his mother's name was? A No.
- Q Was your father a full blood Choctaw? A Yes he was an educated Choctaw he told me to keep that in mind.
- Q Where did he go when he left you? A I don't know he wanted to take me with him.
- Q Did he come to this Choctaw Nation? A I don't know he said he was going home and that he never expected to see me any more but that I had a claim under the Choctaw blood.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof to show that your father or his father and mother were living in the old Choctaw Nation in Mississippi or Alabama and that they were recognized Choctaw Indians and that they went to the Indian Agent there one of them, within six months after the treaty was ratified and told him that they wanted to stay there and take land and become citizens of the United States. Do you think you can get any evidence on these points? A Yes.
- Q Who? A Columbus Yoakum and Mr. John Jolly.
- Q Can you get them to come before the Commission? A I don't know if I can.
- Q Are they white men? A Yes.
- Q If you cannot bring them here can you get their depositions? A Yes.
- Q You understand that it is necessary to get proof in support of this claim? A Yes.

If you wish to offer any further evidence in support of your claim, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

- Q Is there anything else that you want to say at this time? A No I believe not.
- Q Have you any papers that you want to file? A No.

This applicant resembles a full blood negro in general appearance, hair and eyes but her nose is straight and her chin is well developed and her lips are much less thick than the ordinary negro's which would indicate the possession of some blood other than negro, though whether it is Indian or white it is impossible to determine. Her complexion would not indicate the presence of any white blood and she makes no claim to white blood. She

does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and does not know the name of her ancestors except her father and has only a slight knowledge of him.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 9th day of November 1901.

Clara Mitchell Wood.

Notary Public.

C. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Margaret Whitlow,
et al., for identification as Mississippi Choctaws, M.C.R. 3328.

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Margaret Whitlow for herself and her five minor children, Maggie, Wesley, Frank, Perry and Dabney Whitlow, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that the minor applicants herein are her lineal descendants, and it does not appear from

the records in the possession of the Commission, that any of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of the law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Margaret Whitlow, Maggie Whitlow, Wesley Whitlow, Frank Whitlow, Perry Whitlow and Dabney Whitlow, as such should therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Samuel D. Doby
Acting Chairman.

W. E. Doby
Commissioner.

W. E. Doby
Commissioner.

Muskogee, Indian Territory,

DEC 12 1902

Muskogee, Indian Territory, December 12, 1902.

Margaret Whitlow,
Dodd, Texas.

Dear Madam:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Margaret Whitlow, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of the law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Margaret Whitlow, Maggie Whitlow, Wesley Whitlow, Frank Whitlow, Perry Whitlow and Dabney Whitlow, as such should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Margaret Whitlow-2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Dixby,
Acting Chairman.

Registered.

COPY.

M.C.R. 3328.

Muskogee, Indian Territory, December 12, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Margaret Whitlow, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Margaret Whitlow, Maggie Whitlow, Wesley Whitlow, Frank Whitlow, Perry Whitlow and Dabney Whitlow as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully, SIGNED:

Tame Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Margaret Whitley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 12, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED: *Tamm*

Through the
Commissioner of Indian Affairs.

Acting Chairman.

Enc. M.C.R. 3328.

(C O P Y)

D.C.16024

W.C F.

ITD.3544-1903.

FAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

May 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your communication of December 29/ 1902, was transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Margaret Whitlow and her minor children, Maggie, Wesley, Frank, Perry and Dabney Whitlow. You found that the principal applicant and her mother were slaves prior to the Emancipation Proclamation, and held December 12, 1902, that no freedman is entitled to identification as a Mississippi Choctaw, and refused the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of John Wilcox, father of the principal applicant, it being alleged that he was a Choctaw Indian and a resident of Mississippi in 1830. The applicant can furnish no information concerning a Choctaw ancestor more remote.

The evidence fails to show that John Wilcox ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that any

-2-

one by the name of John Wilcox complied or attempted to comply with said article or acts.

Reporting March 31, 1903, the Acting Commissioner of Indian Affairs recommends your decision be affirmed in so far as it rejects the application. A copy of his letter is inclosed.

Concurring in said recommendation, the application is hereby refused.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

(C O P Y)

Land
29--1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Margaret Whitlow, for the identification of herself and her five minor children, Maggie, Wesley, Frank, Perry and Dabney Whitlow, as Mississippi Choctaws.

On December 12, 1902, the Commission rendered a decision in this case finding that under the provisions of the Act of Congress approved June 28, 1898 (30 St ats., 495), no freedman is entitled to identification as a Mississippi Choctaw Indian, and that these applicants being such freedmen their application for such identification should be refused.

An examination of the record evidence shows that the applicants claim to have inherited their Indian blood through one John Wilcox, father of the principal applicant who was a slave, but neither the record evidence nor an examination of the records in this office show that any person by the name of John Wilcox ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or received a patent for

land thereunder.

By reason of the premises the office considers that these applicants should be refused identification as Mississippi Choctaws Indians, and recommends that the Department take such action in the case.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

W.C.B.(E.)

M.C.R. 3328

COPY.

Muskogee, Indian Territory, July 15, 1903.

Margaret Whitlow,

Dodd, Texas.

Dear Madam:

You are hereby notified that on the 25th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Margaret Whitlow, et al., of which decision you were advised by registered mail on the 12th day of December, 1902.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 3328

Muskogee, Indian Territory, July 15, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Margaret Whitlow, et al., of which decision you were advised by mail on the 12th day of December, 1902.

Respectfully,

(SIGNED)

T. B. McCallie

Commissioner in Charge.

No. 3228

For Identification as a Mississippi Choctaw.

Date **AUG 24 1901**

Name *Margaret Whitlow*

Age *40* Blood *1/2*

Post Office, *Dodd, Texas*

Father: *John Wilcox*

Mother: *Millie Yoakum (deceased)*

Claims through *father*

Husband: Dennis Whitlow
(no claim for him)

Children:

<i>Maggie Whitlow</i>	<i>13</i>
<i>Wiley</i>	<i>12</i>
<i>Frank</i>	<i>8</i>
<i>Perry</i>	<i>7</i>
<i>Labrey</i>	<i>5</i>

Claims for self and 5 children

Stenographer

G. Rosenwinkel.

Muskegon I. I. July 11. 1902

Record of the Commission to the Five
Civilized Tribes one copy of the testimony of
Mary Whitlow in McRee case No 3328

S. W. Isaac

Choctaw MCR 3329

Susan J. Perkins

See MCR 3878

MCR 3329

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 24, 1901.

3329

In the matter of the application of Susan J. Perkins
for identification of herself and her minor child as Mississippi
Choctaws.

Applicant not represented by attorney.

Susan J. Perkins being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Susan J. Perkins.
Q P-e-r-k-i-n-s? A Yes.
Q What is your age? A Sixty.
Q What is your post-office address? A Prattville, Delta County,
Texas.
Q How long have you lived there? A I have lived there for about
forty years I reckon.
Q Where did you live before you lived there? A In Moore County.
Q Texas? A Yes.
Q How long have you lived in Texas? A I have been in Texas all
ly life. I was born in Texas.
Q Never lived outside of the State? A No.
Q What is your father's name? A James M. Brackeen.
Q Is he living? A No he is dead.
Q What is your mother's name? A Miranda Brackeen.
Q Is she living? A No they are both dead.
Q Through which one of your parents do you claim your Choctaw
blood? A My mother.
Q How much Choctaw blood do you claim? A About one-fourth I
reckon.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the authorities of the United States? A Not
that I know of.
Q Are you married? A Yes.
Q What is your husband's name? A Ira A. Perkins.
Q Is he living? A Yes.
Q Do you make application for your husband? A What?
Q Do you make application for your husband? A No I guess not.
Q Have you any children under twenty-one years of age and unmar-
ried for whom you wish to make application? A I have one.
Q What is that child's name and age? A Ira E. Perkins.
Q How old? A Eighteen.
Q You are this boy's mother? A Yes.
Q What is the name of his father? A Ira A. Perkins.
Q Is your name or your child's name on any of the tribal rolls of
the Choctaw Nation in Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities in
Indian Territory to have yourself or your child enrolled as
members of the Choctaw tribe? A No.
Q Did you or did any one for you or your child in 1896 apply to the
Dawes Commission for citizenship in the Choctaw Nation under the
act of Congress of June 10, 1896? A No.

#2

- Q Have you or your child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A Not that I know of.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want make now? A Well under the treaty of----I----between the United States and Mississippi, ----the Mississippi amendment I reckon.
- Q You claim as a Mississippi Choctaw? A Yes.
- Q What was the name of your ancestor who lived in Mississippi in eighteen hundred and thirty? Shelton.
- Q What was the given name? A Jesse Shelton.
- Q What relation to you? A My grandparents.
- Q Well was it your grandfather or your grandmother? A My grandmother.
- Q Jesse Shelton? A Jesse Shelton's wife, her name was Rachel Shelton.
- Q How old would your mother be now if she were living? A She would be about eighty-seven I think.
- Q Were you the oldest one of your mother's children? A Yes.
- Q Do you know when your father and mother were married? A No.
- Q You don't know what year? A No I don't know what year.
- Q Do you know how long they had been married when you were born? A About twenty-six years, no they had not been married twenty-six years but mother was twenty-six years old when I was born.
- Q You don't know how old she was when she was married? A Yes she was twenty-six years old when she was married.
- Q I think you said your mother was twenty-six years old when you were born? A She was twenty-six years old when I was born.
- Q Well how old was she when she was married? A I don't know she had not been married more than three or four years when I was born, two years I guess. We have no records our record were all burned up.
- Q You don't know then whether your mother was married in the year eighteen hundred and thirty or not? A No I don't.
- Q You must have been born about the year eighteen hundred and forty A I was born in forty-one.
- Q Was your grandmother Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A She was living in Mississippi?
- Q What part of Mississippi? A I don't remember what County.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi for the purpose of giving them land west of the Mississippi river in exchange for their land in those States and move them all to the Country west of the River but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intantion to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of alld to be bounded by sectional lines of survey; in like manneshall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article those Choctaws who did not want to leave their homes there in Mississippi and come west could go to the Indian Agent and tell him that they wanted to stay in Mississippi and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed they would not get any part of the Choctaw yearly payments of money.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land and become citizens of the United States but when a locating agent was sent down to locate the land for these Indians he found that there were a great many who claimed to have gone to the Agent and told him that they wanted to stay whose names did not appear on the list which he had made so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out just who of these claimants were entitled to land there under the fourteenth article of the treaty of the treaty of eighteen hundred and thirty. Some of these claims were allowed and some refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip, which scrip could be used in buying land from any of the public domain of the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof that your grandmother Rachel Shelton was living in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian, and that she within six months after the treaty was ratified signified her intention to the Indian Agent of remaining in Mississippi or attempted to do so. Have you any evidence to show whether your grandmother went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay
- A No.
- Q How much Choctaw blood did your grandmother claim to have? A I don't know exactly how much.
- Q What have you heard? A I have been told that she was a full blood Choctaw, but I don't know if this is true because she never told me herself.
- Q Have you seen your grandmother? A Yes.
- Q What did she look like? A She was very dark, I don't know if

- you call that Indian.
- Q Well a great many people are dark did she look like an Indian?
A I don't know that she looked just like a full blood Indian.
- Q Did she have a Choctaw Name? A She had the name of Fulson that was her maiden name.
- Q She was married before eighteen hundred and thirty was she not?
A Yes.
- Q Her name then in eighteen hundred and thirty must have been Rachel Shelton? A Yes her maiden name was Fulson.
- Q Well in eighteen hundred and thirty her name must have been Rachel Shelton? A Yes, in eighteen hundred and thirty she was married to Shelton.
- Q Where did you know your grandmother? A In Texas.
- Q Did she come to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty eight when the other Choctaws came? A She came to Texas.
- Q When? A In 1836 or 1837 I don't know which it was.
- Q Did they move from Mississippi to Texas? A Yes from Mississippi to Texas.
- Q Have you any evidence of that? A Yes.
- Q She never came to the present Choctaw Nation? A No they did not come to the Nation?
- Q Did you ever hear that your grandmother Rachel Shelton went to any of those Commissioners appointed in 1837 and 1842? A No I never heard anything about that.
- Q Did you ever hear that your grandmother was enrolled there in Mississippi? A No.
- Q Have you any papers that you want to file? A No.
- Q Are there any statements that you would like to make or anything else you want to say? A No not at all.
- Q You understand the necessity of securing evidence in support of your claim do you? A I suppose I have to get evidence to show that she moved from Mississippi to Texas and that she had Indian blood?
- Q Yes and that she was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and that she went to the Indian Agent within six months from the ratification of that treaty and told him that she wanted to stay in Mississippi or that she tried to do so? A They did not stay in Mississippi.
- Q The treaty was made in 1830, do you think that your grandmother left Mississippi before 1837? A No I don't think that she left there and came here before that time. I think it was in eighteen hundred and thirty seven that they came to Texas.
- Q Well you understand that your grandmother could have gone to the Indian Agent there within six months after that treaty was ratified and could have taken land and lived there for five years and then have gone away. Now what I want to know is if you understand the necessity of getting evidence on that point? A I don't think I quite understand.
- Q You don't understand that it is a very material point in your case to show that your grandmother went to the Indian Agent and told him that she wanted to stay in Mississippi or tried to do that? A I don't know that I can get any proof on that or not.
- Q Do you understand that it is one of the important points in your case? A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

you call that Indian.

- Q Well a great many people are dark did she look like an Indian?
A I don't know that she looked just like a full blood Indian.
- Q Did she have a Choctaw Name? A She had the name of Fulson that was her maiden name.
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A Yes.
- Q Her name then in eighteen hundred and thirty must have been Rachel Shelton? A Yes her maiden name was Fulson.
- Q Well in eighteen hundred and thirty her name must have been Rachel Shelton? A Yes, in eighteen hundred and thirty she was married to Shelton.
- Q Where did you know your grandmother? A In Texas.
- Q Did she come to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty eight when the other Choctaws came? A She came to Texas.
- Q When? A In 1836 or 1837 I don't know which it was.
- Q Did they move from Mississippi to Texas? A Yes from Mississippi to Texas.
- Q Have you any evidence of that? A Yes.
- Q She never came to the present Choctaw Nation? A No they did not come to the Nation?
- Q Did you ever hear that your grandmother Rachel Shelton went to any of those Commissioners appointed in 1837 and 1842? A No I never heard anything about that.
- Q Did you ever hear that your grandmother was enrolled there in Mississippi? A No.
- Q Have you any papers that you want to file? A No.
- Q Are there any statements that you would like to make or anything else you want to say? A No not at all.
- Q You understand the necessity of securing evidence in support of your claim do you? A I suppose I have to get evidence to show that she moved from Mississippi to Texas and that she had Indian blood?
- Q Yes and that she was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and that she went to the Indian Agent within six months from the ratification of that treaty and told him that she wanted to stay in Mississippi or that she tried to do so? A They did not stay in Mississippi.
- Q The treaty was made in 1830, do you think that your grandmother left Mississippi before 1837? A No I don't think that she left there and came here before that time. I think it was in eighteen hundred and thirty seven that they came to Texas.
- Q Well you understand that your grandmother could have gone to the Indian Agent there within six months after that treaty was ratified and could have taken land and lived there for five years and then have gone away. Now what I want to know is if you understand the necessity of getting evidence on that point? A I don't think I quite understand.
- Q You don't understand that it is a very material point in your case to show that your grandmother went to the Indian Agent and told him that she wanted to stay in Mississippi or tried to do that? A I don't know that I can get any proof on that or not.
- Q Do you understand that it is one of the important points in your case? A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

#5

This applicant has straight grayish black hair, blue eyes and dark complexion. Her features and general appearance are those of a white person and would not indicate the amount of Choctaw blood claimed by her one-fourth.

- Q Do you speak Choctaw? A No.
Q Did your grandmother speak Choctaw? A No not that I know of.
Q You never heard her? A No.

She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 24, 1901 and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

G. Rosenwinkel
Clara Mitchell Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet R. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2928

In the matter of the application of Melinda Malaney, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie R. Cook, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Ballie Stanley, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justice, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350

In the matter of the application of Duain Sheb Cross, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Gushill, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Nannie A. Cross Bledsoe, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney John London, appearing for applicants in above cases.

Fannie E. Cook, being first duly sworn, testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Nannie F. Garhill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter
 Q Are these all of your children except minor children for whom you have applied? A Yes.--I have a daughter, but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g.
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justice? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you, if any? A She is my nephew's daughter
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
- A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers, Sheb Perkins and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name she goes by. That is her right name.----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss-- what was her mother's name? A Nancy Cross.
- Q All these applicants get their Choctaw blood through the same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents? A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified got their Choctaw blood through Rachel Shelton? A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830? A My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know,-- my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

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- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarksville.
- Q In what State? A Texas.
- Q You know when she lived in Mississippi? A No I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did

- Witness Excused -

Susan J. Perkins being called as a witness, duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justice, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Blodsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sisters' children and my own together, I have some in there.
- Q Your children and your sisters' children? A Yes.
- Q And your sisters' grand-children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your Mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal-black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died?
A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38.
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know what she did.
- Q You never heard? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it. I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness Examined.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Shob Cross, Eddie B. Cross, Susan F. McGlasson, Fannie F. Gaskill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Fannie A. Cross Hledsee and Sallie Homer Morgan? A Part of these I knew. I knew the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes I know all of her children.
 Q Are these people all relatives? A Yes sir.
 Q They all claim to get their Choctaw blood through Rachel Shelton? A Yes that is what they claim.
 Q Did you know Rachel Shelton? A Yes.
 Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
 Q Do you remember how she looked? A Yes she was a dark skinned woman.
 Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
 Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkins' mother and I think she must have been dead when they moved to this country. I knew all of their children.
 Q You don't know anything at all about Mrs. Shelton in Mississippi? A No not at all.
 Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
 Q You never heard her speak about that? A No I never did and I never heard the Sheltons mention anything of the kind.
 Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
 Q You say that she looked to be Indian? A Yes she looked to be Indian.
 Q Well, what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

Subscribed and sworn to before me this 30th day of September, 1901.

R. H. Shelby
 Notary Public.

COPY

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3820

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Susan J. Perkins,

Prattville, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willetta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Week P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Registered.

Acting Chairman.

COPY.

MCR 3329

Muskogee, Indian Territory, November 20, 1905.

Susan J. Perkins,
Prattville, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your minor child, Ira Lee Perkins, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED



Acting Commissioner.

No. 3229

For Identification as a Mississippi Choctaw.

Date

AUG 24 1901

Name Susan J. Perkins

Age 60 Blood 1/4

Post Office, Prattville, Texas

Father: James M. Braaken (dead)

Mother: Miranda Braaken (dead)

Claims through mother
husband, Ira J. Perkins
(no claim for him)

Children:

Ira Lee Perkins 18

Claims for self and
child

Stenographer

Rosemunkel

Choctaw MCR 3330

James T. Perkins

See MCR 3878

MCR 3330

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. August 24, 1901.

3330

In the matter of the application of James T. Perkins for identification of himself and his ten minor children as Mississippi Choctaws.

Applicant not represented by attorney.

James T. Perkins being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Perkins, James T.
Q What is your age? A Forty-three.
Q What is your post-office address? A Ladonia, Fannin County, Texas.
Q How long have you lived there? A I have only been in that County about eleven years.
Q Where did you live before you lived there? A I lived in Delta County, I was born in Lamar County.
Q You never lived outside of the State of Texas? A No.
Q What is your father's name? A Ira A. Perkins.
Q He is living? A Yes.
Q What is your mother's name? A Susan J. Perkins?
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother's side.
Q How much Choctaw blood do you claim? A About one-eighth I reckon
Q Has your mother ever been recognized or enrolled in any way as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your wife's name? A My wife is dead at present, her name was Ella.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes I have ten.
Q Give the names and ages of your children? A Well I have to get their names there are so many of them I can't recollect them all, Arther, A-r-t-h-e-r Perkins, was born July 16, 1882.
Q How old is he? A He is twenty.
Q Next? A Gertrude Perkins, was born November 4, 1883.
Q How old? A She is seventeen?
Q Next? A Myrtle Perkins was born August 16, 1885.
Q How old? A Fifteen.
Q Next? A Andrey. A-u-d-r-e-y.
Q Is that a boy or girl? A Girl.
Q How old? A She was born April 22, 1887.
Q How old do you call her? A Thirteen.
Q Next? A Alma Perkins, was born February 1, 1889, she is eleven.
Q Next? A Buna Perkins.
Q How do you spell that? A B-u-n-a, was born April 8, 1891.
Q How old? A She is nine.
Q Next? A Vada.
Q How do you spell that? A V-a-d-a, was born December 17, 1894 she is seven.

#2

- Q Next? A Lloyd born December 13, 1897, he is five.
Q Next? A Vera was born December 17, 1899.
Q V-e-r-a? A Yes.
Q How old? A She is three.
Q Next? A Willie D., was born March 10, 1901, about six months old.
Q What is the name of the mother of these children? A Ella Perkins.
Q You are their father? A Yes.
Q When and where were you married to Ella Perkins? A In Delta County.
Q When? A In January 1881.
Q Did you get a license to marry? A Yes.
Q Were you married by an ordained minister or an official? A I was married by a minister?
Q Have you your marriage license and certificate and desire to offer them in evidence? A Yes, I have not got it with me.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your minor children?

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Speak it again will you please.
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? No.
Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A I don't know just how to answer that question. I don't know the meaning of part of it. If I understand the question right it refers to whether we have any right here or not.
Q No I said have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court here in the Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities or to the United States Authorities to have yourself or your children admitted or enrolled as members of the Choctaw tribe? A No.
Q This is the first application of any kind you have ever made? A Yes.
Q What kind of an application do you want to make now? A I am making it in the treaty under the fourteenth.
Q What treaty? A Under the treaty that Mississippi made with the Indians.
Q The treaty of eighteen hundred and thirty? A Yes.
Q You claim under any particular part of that treaty or under the whole treaty? A Well I could not answer that question. I don't know about the laws I am not posted on them.

The law under which the Commission is acting at this time authorizes it to hear the applications of persons claiming under the fourteenth article of the treaty of eighteen hundred and thirty. The treaty of eighteen hundred and thirty was a treaty made between the United States and the Choctaw Indians who lived then in Mississippi and Alabama. The State of Mississippi was being rapidly filled up with white settlers and it was very hard for the United States to protect the Choctaws in their tribal government and it was thought best to give them land west of the Mississippi river in exchange for their lands for the States of Mississippi and Alabama and move them all to the Country west of the Mississippi River where they would not be molested in their tribal government but some of the Indians did not want to come and the others would not sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi, article fourteen was then made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. After this article was made a part of the treaty, the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article if those Indians who did not want come west would go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to stay in Mississippi they would get land for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed they would not get any part of the Choctaw yearly payments of money.

- Q Now what was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty? A Miranda Fulson she was my mother's mother.
- Q Your mother's mother? A Yes the way I have been told by her.
- Q Well your mother's mother's name was never Miranda Fulson was it? A No it was Miranda Shelton.
- Q Now what was the name of your ancestor who lived in Mississippi in eighteen hundred and thirty? A Miranda Shelton.
- Q What was your mother's father's name? A I could not tell you his given name. His name was Fulson.
- Q Your mother's father? A Oh! his name was James Brackeen.

#4

- Q Then your grandmother's name was Miranda Brackeen? A Yes Miranda Brackeen. She was Jim Brackeen's wife.
- Q Was she Miranda Brackeen or Miranda Shelton in eighteen hundred and thirty? A I could not answer that question I don't know.
- Q Have you ever heard anything about it? A No I have not.
- Q Well what was Miranda Brackeen's father's name? A He was a Fulson, no he was a Shelton.
- Q Which one is right? A Shelton is right.
- Q Well what was her father's given name, that is Miranda Brackeen's father's given name? A I can't tell you that.
- Q Do you know what Miranda Brackeen's mother's given name was? A No.
- Q Do don't? A No I do not know.
- Q Is there anybody here who knows what that given name was? A Yes.
- Q Who is that? A I believe my mother does.
- Q Would you like to have her called as a witness in your case? A Yes.

Applicant excused.

Susan J. Perkins called as a witness on behalf of the applicant duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post-office address? A Prattville, Texas.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- QQ Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A My son.
- Q He gets his Choctaw blood through you? A Yes.
- Q You get your Choctaw blood through which one of your parents? A My mother.
- Q What is her name? A Miranda Brackeen.
- Q What was Miranda Brackeen's father's name? A Jesse Shelton.
- Q And what was her mother's name? A Rachel Shelton.
- Q Which one of your mother's parents claimed to be Choctaw? A My mother's mother my grandmother was Choctaw.
- Q You stated I believe that your mother was not married in eighteen hundred and thirty, according to the best of your belief A Yes I don't know when she was married, I could not give the date because I don't know.
- Q Your son gets his Choctaw blood through the same ancestor that you do? A Yes.

Witness excused.

Applicant recalled.

- Q Then Rachel Shelton is the name of your great grandmother? A Yes.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof to show that Rachel Shelton was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and that she within six months after the treaty was ratified signified her intention of staying in Mississippi or tried to do so. Can you get any evidence on these points? A I have none here but I suppose I can get up some.
- Q Did you ever hear whether your great grandmother stayed there in Mississippi or whether she came to the present Choctaw Nation? I did not hear that she came to the present Choctaw Nation but I heard that she came to Texas. She was removed from there when the treaty was made.
- Q Do you do when she was removed from there, at what time? A No.

#5

- Q You never heard that she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No.
- Q You understand that it is very important that you should secure evidence on this point? A Yes.
- Q Have you any papers that you want to file now? A No.
- Q Is there anything else that you want to say now? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

- Q Do you expect to bring witness before the Commission to prove these points? A No I will just take their testimony.
- Q It would be better for your case if you could bring your witnesses in person before the Commission, if you can't do that you can take their depositions or affidavits? A One of the witnesses that we want to use is about ninety-six years old and not able to make the trip here consequently we will have to get his deposition.

This applicant has dark hair and mustache, blueish gray eyes and dark complexion. His features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although he states that his ancestors lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings had in the above entitled cause on August 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 9th day of November 1901.

Clara Mitchell Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Malaney, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350

In the matter of the application of Duain Sheb Cross, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Gambill, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Nannie A. Cross Bladsoe, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney John London, appearing for applicants in above cases.

Fannie E. Cook, being first duly sworn, testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Nannie F. Gambill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter
 Q Are these all of your children except minor children for whom you
 have applied? A Yes,--I have a daughter, but I do not know
 where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g.
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you, if any? A She is my nephew's daughter
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers,
Sheb Perkins and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Winnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A
Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were
three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name
she goes by. That is her right name.----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of
Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter
of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss-- what was her mother's name? A
Nancy Cross.
- Q All these applicants get their Choctaw blood through the
same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents?
A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her
parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified get
their Choctaw blood through Rachel Shelton? A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830? A
My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? No, I am
the youngest.
- Q How much older than you was the oldest one of your mother's
children? A I don't know,-- my oldest sister is about seven
years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or
Miranda Brackeen in eighteen hundred and thirty? A She was
Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I
do not.
- Q Did you know your grandmother personally? A No if I ever saw
her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your
mother Miranda Brackeen, either one of them ever owned any land
in Mississippi, Arkansas, Louisiana or Alabama? A I don't
know for certain whether they owned land or not.

#4

- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarksville.
- Q In what State? A Texas.
- Q You know when she lived in Mississippi? A No I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did

- Witness Excused -

Susan J. Perkins being called as a witness, duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sisters' children and my own together. I have some in there.
- Q Your children and your sisters' children? A Yes.
- Q And your sisters' grand-children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your Mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal-black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died?
A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38.
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know that she did.
- Q You never heard? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it. I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness Excused.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie R. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Edie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Bledsee and Sallie Homer Morgan? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
A Yes I know all of her children.
- Q Are these people all relatives? A Yes sir.
- Q They all claim to get their Choctaw blood through Rachel Shelton? A Yes that is what they claim.
- Q Did you know Rachel Shelton? A Yes.
- Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
- Q Do you remember how she looked? A Yes she was a dark skinned woman.
- Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
- Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkins' mother and I think she must have been dead when they moved to this country. I knew all of their children.
- Q You don't know anything at all about Mrs. Shelton in Mississippi? A No not at all.
- Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
- Q You never heard her speak about that? A No I never did and I never heard the Sheltons mention anything of the kind.
- Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
- Q You say that she looked to be Indian? A Yes she looked to be Indian.
- Q Well, what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of September, 1901.

W. H. Shelby
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3330

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

James T. Perkins,

Ladonia, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willettta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Week P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Idu Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davis A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGN)

Tams Bixby.

Registered.

Acting Chairman.

Choctaw 3684
M.C.R. 3330

Muskogee, Indian Territory, May 25, 1903.

Calvin S. Beames,
Bokchito, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 20th in which you ask if Jim Percans, a Mississippi Choctaw, is entitled to allotment, as you desire to file on lands claimed by him if he is not entitled to an allotment.

In reply to your letter you are informed that it appears from our records that James T. Perkins is an applicant to the Commission for the identification of himself and his minor children as Mississippi Choctaws, and that his final right to such identification has not yet been determined.

It is not believed that they are in any manner at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 3330

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1905.

James T. Perkins,
Ladonia, Texas

Dear Sir:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your ten minor children, Arther, Gertrude, Myrtle, Audry, Alma, Buna, Vada, Lloyd, Vera and Willie D. Perkins, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

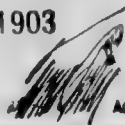
W. O. Beall

Acting Commissioner.

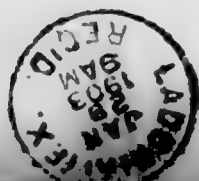
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 10 1903



ACTING CHAIRMAN



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 10 1903

[Handwritten signature]

ACTING CHAIRMAN

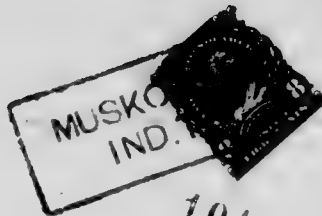


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RETURN TO WRITER

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Department of the Interior.

Commission to the Five Civilized Tribes,

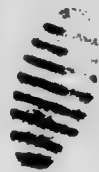
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

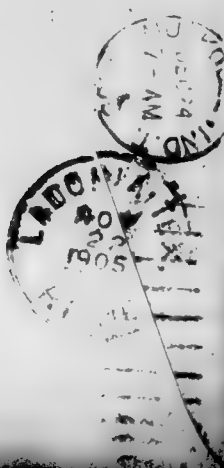
James T. Perkins,

Ladonia, Texas.

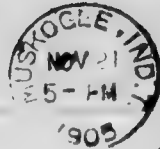


3330

FILED
DEC 30 1905
COMMISSION TO FIVE TRIBES.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



UNDELIVERED
RETURN TO MAIL

James T. Perkins,

~~Lutonia, Texas~~

No. 3230

For Identification as a Mississippi Choctaw.

Date AUG 24 1901

Name James T. Perkins

Age 43 Blood 1/8

Post Office Ladonia, Texas

Father: Ira A. Perkins

Mother: Cusan J. Perkins

Claims through mother

wife: Ella Perkins (dead)

Claims for self and 10 children

Children:

<u>Archer</u>	<u>Perkins</u>	<u>20</u>
<u>Gertrude</u>	<u>"</u>	<u>17</u>
<u>Myrtle</u>	<u>"</u>	<u>15</u>
<u>Andrey</u>	<u>" F</u>	<u>13</u>
<u>Alma</u>	<u>"</u>	<u>11</u>
<u>Buna</u>	<u>"</u>	<u>9</u>
<u>Vada</u>	<u>"</u>	<u>7</u>
<u>Lloyd</u>	<u>"</u>	<u>5</u>
<u>Verla</u>	<u>"</u>	<u>3</u>
<u>Willie D</u>	<u>"</u>	<u>5 mo.</u>

Stenographer

G Roseminkel

Choctaw MCR 3331 |

Nannie A. Cross Bledsoe

See MCR 3878

MCR 3331

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 24, 1901.

3331

In the matter of the application of Nannie A. Cross Bledsoe for identification of herself and her four minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Nannie A. Cross Bledsoe being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nannie A. Cross Bledsoe.
Q B-l-e-d-s-o-e? A Yes.
Q What is your age? A Thirty-nine.
Q What is your post-office address? A Howland, Texas.
Q How long have you lived there? A All my life.
Q You never had a home outside of the State of Texas? A No.
Q You were born in Texas? A Yes.
Q What is your father's name? A James S. Cross?
Q Is he living? A Yes.
Q What is your mother's name? A Nancy A. Cross.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My mother's side.
Q How much Choctaw blood do you claim? A Why one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes, My husband is dead, I am a widow.
Q What was his name? A William A. Bledsoe.
Q Give the names and ages of your children under twenty one years of age and unmarried for whom you wish to make application? A Milton S. Bledsoe. Nineteen.
Q How old did you say nineteen? A Yes Nineteen.
Q What is the next one? A Minnie Laura Bledsoe.
Q How old? A Fifteen
Q What is the next one? A William A. Bledsoe.
Q What is his age? A He is six.
Q Next? A Miranda Frances Bledsoe.
Q How old? A Five years old.
Q That all? A Yes.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A William S. Bledsoe.
Q Is your name or are the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.

- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgement of the United States Court in Indian Territory on appeal from the Decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to make a claim for a right in the Choctaw Nation for myself and my children.
- Q On what do you base your claim? A On my grandmother and ancestor.
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty and who was a recognized Choctaw Indian? A My Great grandmother's name was Rachel Shelton, I have been told that she lived in Mississippi in eighteen hundred and thirty.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A The treaty of eighteen hundred and thirty, the treaty that was made between the United States and the Mississippi Choctaws.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A Any particular part?
- Q Yes? A I don't understand you.
- Q Any certain article or division of the treaty or do you claim under the whole treaty? A What article.
- Q Well I thought perhaps you knew if you don't I will explain it to you? A Article fourteen.
- Q You claim under article fourteen? A yes.

The treaty of eighteen hundred and thirty was made between the United States and the Choctaw Indians who lived in Mississippi and Alabama at that time and it was made for the purpose of moving the Indians from the Country then occupied by them to a Country West of the Mississippi river, but some of the Indians did not want to come west and the others would not sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land but when the government sent a locating agent down to locate the land for these Indians it was found that there were a great many who claimed they had gone to the Agent whose names were not found on the list which the Indian Agent had made, so on March 3, 1837 and August 23, 1842 Congress appointed Commissions to go down into Mississippi and investigate and find out which of these Indians were entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases, some were allowed and some were refused. In those cases where the claims were allowed by the Commission and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip which was redeemable in land from any of the public lands at fifty cents an acre, in Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A I suppose so, I don't know which one.
- Q Which one? A My grandmother, --my great grandmother.
- Q Which State? A Mississippi.
- Q You think your great grandmother owned land in Mississippi? A A I don't know I never heard them say.
- Q What was your mother's mother's name? A Miranda Brackeen.
- Q What was your mother's father's name? A James M. Brackeen.
- Q Which one of your grandparents claimed to be Choctaw? A My great grandmother.
- Q Which one of your grandparents claimed to be Choctaw? A My Grandmother.
- Q What was your grandmother's father's name? A I don't know.
- Q And what was your grandmother's mother's name? A My grandmother's mother's name was Rachel Shelton, ---why Yes, my grandmother's father's name was Jesse Shelton.
- Q Which one of your great grand parents claimed to be Choctaw? A My great grandmother? A
- Q Was she living in Mississippi in eighteen hundred and thirty? A I don't know whether she was, I don't know what year she moved here.
- Q What have you been taught about that? A I have just forgot exactly when she moved here.
- Q Did she come to the present Choctaw Nation with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I suppose she came to Texas that is what my mother has told me.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof that your great grandmother Rachel Shelton lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and that she went to the Indian Agent there in Mississippi within six months after the ratification of that treaty and signified to him her intention to remain there or that she tried to do so. Have you any evidence on these points? A No.
- Q Can you get such evidence? A I suppose so.
- Q You expect to try? A Yes.
- Q You understand the importance of having proof on these points? A Yes.
- Q Have you any evidence, any papers that you want to file now? A No.
- Q Is there anything else you would like to say? A No.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has brownish gray hair, and moderately fair complexion. Her features and general appearance are those of a white person. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although it appears from her testimony that they lived in Mississippi in eighteen hundred and thirty.

Q Would you like to have your aunt Mrs. Perkins testify for you and identify you as her niece? A No Mrs. Cook.

Applicant excused.

Susan J. Perkins called as a witness duly sworn testified as follows:

Q What is your name? A Susan J. Perkins.
 Q What is your age? A Sixty.
 Q What is your post-office address? A Prattville, Texas.
 Q You are an applicant for identification as a Mississippi Choctaw? A Yes.
 Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
 Q What relation is she to you if any? A My niece.
 Q What is her father's name? A J. S. Cross.
 Q What is her mother's name? Nancy Cross.
 Q Were you related to her father or mother? A Her mother, she is my sister.
 Q Through which one of her parents does she get her Choctaw blood? A Her mother.
 Q And you and her mother were sisters? A Yes.
 Q And you and your sister get your Choctaw blood through your mother? A Yes.
 Q Then this applicant gets her Choctaw blood through the same common ancestor that you do? A Yes.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings had in the above entitled cause on August 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

Clara M. Smith
 Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2928

In the matter of the application of Melinda Malaney, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350

In the matter of the application of Duain Sheb Cross, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Gambill, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Nannie A. Cross Bledsoe, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney John London, appearing for applicants in above cases.

Fannie E. Cook, being first duly sworn, testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Nannie F. Gambill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter
 Q Are these all of your children except minor children for whom you have applied? A Yes,--I have a daughter, but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g.
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you, if any? A She is my nephew's daughter
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers,
Sheb Perkins and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A
Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were
three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name
she goes by. That is her right name.----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of
Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter
of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss-- what was her mother's name? A
Nancy Cross.
- Q All these applicants get their Choctaw blood through the
same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents?
A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her
parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified get
their Choctaw blood through Rachel Shelton? A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830? A
My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? No, I am
the youngest.
- Q How much older than you was the oldest one of your mother's
children? A I don't know,-- my oldest sister is about seven
years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or
Miranda Brackeen in eighteen hundred and thirty? A She was
Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I
do not.
- Q Did you know your grandmother personally? A No if I ever saw
her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your
mother Miranda Brackeen, either one of them ever owned any land
in Mississippi, Arkansas, Louisiana or Alabama? A I don't
know for certain whether they owned land or not.

- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarks-ville.
- Q In what State? A Texas.
- Q You know when she lived in Mississippi? A No I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did

- Witness Excused -

Susan J. Perkins being called as a witness, duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie E. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sisters' children and my own together, I have some in there.
- Q Your children and your sisters' children? A Yes.
- Q And your sisters' grand-children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your Mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal-black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died?
A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38.
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know that she did.
- Q You never heard? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it. I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness Excused.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justice, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlassen, Nannie F. Gambill, Willie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes I know all of her children.
- Q Are these people all relatives? A Yes sir.
- Q They all claim to get their Choctaw blood through Rachel Shelton? A Yes that is what they claim.
- Q Did you know Rachel Shelton? A Yes.
- Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
- Q Do you remember how she looked? A Yes she was a dark skinned woman.
- Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged neraly all of her children to be part Indian that I ever saw.
- Q You did not know her before you knew her in Texas? A No I never saw her but once here but I knew all of her children except Mrs. Cross and Mrs. Perkins' mother and I think she must have been dead when they moved to this country. I knew all of their children.
- Q You don't know anything at all about Mrs. Shelton in Mississippi? A No not at all.
- Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
- Q You never heard her speak about that? A No I never did and I never heard the Sheltons mention anything of the kind.
- Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
- Q You say that she looked to be Indian? A Yes she looked to be Indian.
- Q Well, what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of September, 1901.

Wm. Shelby
 Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3331

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Nannie A. Cross Bledsoe,
Howland, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willette M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Tamc Bixby.

Acting Chairman.

Registered.

MCR 3331

COPY.

Muskogee, Indian Territory, November 20, 1905

Nannie A. Cross Bledsoe,
Howland, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your four minor children, Mitton S., Nannie Laura, William A. and Miranda Frances Bledsoe, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED *W. O. Beall*
Acting Commissioner.

No. 3231

For Identification as a Mississippi Choctaw.

Date AUG 21 1901

Name Nannie A. Cross Bledsoe

Age 37 Blood 1/8

Post Office, Holland Texas

Father: James D Cross

Mother: Nancy A. Cross (dead)

Claims through, mother.

Husband William A. Bledsoe (dead)

Children:

Milton Bledsoe 19

Nannie Laura " 15

William A " 6

Miranda Frances. 5

Claims for self and is
attested

Stenographer

G. Rosenwinkel

Choctaw MCR 3332

Sallie Homer Morgan

See MCR 3878

MCR 3332

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 24, 1901.

3332

In the matter of the application of Sallie Homer Morgan for identification of herself and her five minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Sallie Homer Morgan being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sallie Homer Morgan.
Q How do you spell that middle name? A H-o-m-e-r.
Q What is your age? A I will be thirty-six in November.
Q What is your post-office address? A Paris, Lamar County, Texas.
Q How long have you lived there? A All my life, but not in Paris all my life.
Q How long have you lived in Texas? A All my life. I was born in Texas.
Q And never had a home outside of the State? A No.
Q What is your father's name? A James Shelby Cross.
Q What is your mother's name? A Nancy A. Cross.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Alvin Miller Morgan.
Q Is he living? A Yes.
Q Do you make application for him? A No.
Q He is a white man and makes no claim to Choctaw blood? A He is a white man.
Q Have you any children for whom you wish to make application at this time? A Five.
Q Give their names and ages? A Mamie Cross Morgan.
Q How old? A She will be eleven in October.
Q Willie Carleton, C-a-r-l-e-t-o-n Morgan.
Q How old? A He was nine in May.
Q Next? A Florence Rachel Morgan.
Q R-a-c-h-e-l? A Yes.
Q How old is she? A She is seven.
Q Next? A Calvin Miller Morgan.
Q How old? A Five. James Shelby Morgan.
Q How old? A Three.
Q These are all your children? A Yes.
Q What is the name of their father? A Calvin Miller Morgan.
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

- Q Have you ever applied to the Choctaw tribal authorities to have yourself or your children admitted to citizenship in the Choctaw Nation? A No.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q You claim now as a Mississippi Choctaw? A Yes.
- Q Do you claim under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A My great grandmother, I don't know anything about only what I have been told through the Fulson's and my great grandmother was Rachel Fulson.
- Q Did she live in Mississippi in eighteen hundred and thirty? A I have been told that she did, I don't know it personally.
- Q Was her name Rachel Fulson in eighteen hundred and thirty? A Yes I suppose so that is what I have been told.
- Q You don't know whether she was married in eighteen hundred and thirty or not? A No I don't know about that, I don't know when she was married or anything about that at all.
- Q What was your mother's father's name? A James Braskeen.
- Q What was your mother's mother's name? A Miranda Shelton., she married James Braskeen.
- Q Which one of your mother's parents claimed to Choctaw? A Her mother.
- Q What was Miranda Braskeen's father's name? A Jesse Shelton.
- Q And what was her mother's name? A Rachel Fulson and married Jesse Shelton.
- Q you don't know then whether she was Rachel Fulson or Rachel Shelton in eighteen hundred and thirty when this treaty was made? No I don't know anything about that at all. I have been told by my mother that she was a Fulson and married Jesse Shelton.

The treaty of eighteen hundred and thirty was entered into between the United States and the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi river but some of the Indians did not want to come and the others would not sign any treaty until something was done for those who wanted to stay there in Mississippi so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to stay there. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article those Choctaw Indians who wanted to stay in Mississippi could go there to the Indian Agent and tell him that they wanted to stay and they would get land for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose their right as Choctaw citizens but if they ever removed they would not get any part of the Choctaw yearly payments of Money.

Within six months after the treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land but when the government sent a locating Agent down to locate the land for these Indians it was found that the names of a great many Indians who claimed they had gone to the Indian agent and told him that they wanted to remain there did not appear in the list which he had made, so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed to go down into Mississippi and find out which of these Indians had a right to land under the fourteenth article of the treaty. These Commissioners took up and passed on a great many claims. Some then were allowed and some refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land claimed by the Indians had not already been sold it was given to them if it had been sold they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that your great grandmother Rachel Shelton lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and that she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay there and take land and become a citizen of the United States or that she tried to do so.

- Q Have you any evidence to show whether she did this or not? A No.
- Q You never heard anything about it? A No.
- Q Did she come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty three and eighteen hundred and thirty eight? A I don't know.
- Q Do you think you will be able to get any evidence on these points? A I think so.
- Q You understand the importance of securing such evidence do you?

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A Yes I think we will get some evidence.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

- Q Have you any witnesses that you wish to introduce in your case? A Yes I would like to have Mrs. Cook my aunt and Mrs. Moody.
- Q How old is Mrs. Moody? A She has always known me, I don't know her age.
- Q Well did she know your great grandmother? A No.-----Yes.
- Q Now did Mrs. Moody know your great grandmother Rachel Shelton? A I don't know.

This applicant has grayish brown hair and brown eyes and rather dark complexion. Her features and general appearance are those of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although it appears from her testimony that the ancestor through whom she claims, her great grandmother, lived in the old Choctaw Nation in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

Clara M. Tishie Notary

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Malaney et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350.

In the matter of the application of Duain Sheb Cross et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Gambill et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

#2

In the matter of the application of Susan J. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3329.

In the matter of the application of James T. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory August 24, 1901, M.C.R. 3330.

In the matter of the application of Hannie A. Cross Bledsoe et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3331.

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3332.

Attorney John London appearing for applicants in above cases.

Fannie E. Cook being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
Q What is your age? A Fifty-four.
Q What is your post-office address? A Atlas, Lamar County, Texas.
Q Are you an applicant for identification as a Mississippi Choctaw?
A Yes.
Q Are you acquainted with Laura W. Brackeen? A Yes.
Q What relation is she to you? A My daughter.
Q Are you acquainted with Melinda Malaney? A Yes.
Q What relation is she to you? A She is my daughter.
Q Are you acquainted with Willet B. Shannon? A Yes.
Q What relation are you to him if any? A He is a son of mine.
Q Are you acquainted with Joel A. Shannon? A Yes.
Q What relation is he to you if any? A He is my oldest son.
Q Are you acquainted with Hannie P. Gambill? A Yes.
Q What relation is she to you if any? A She is my oldest daughter.
Q Are these all of your children except minor children for whom you have applied? A Yes,--I have a daughter but I do not know where she is at.
Q What was the name of this daughter? A Mattie Vining,-V-i-n-i-n-g
Q Are you acquainted with Sallie Stanley? A Yes.
Q What relation is she to you if any? A She is a niece of mine.
Q Are you acquainted with Mattie Miranda Justiss? A Yes.
Q What relation is she to you if any? A Niece.
Q Are you acquainted with William Shelby Perkins? A Yes.
Q What relation is he to you if any? A He is my nephew.
Q Are you acquainted with Duain Sheb Cross? A Yes.
Q What relation is he to you if any? A He is my sister's son.
Q Are you acquainted with Eddie B. Cross? A Yes.
Q What relation is he to you if any? A He is my nephew.
Q Are you acquainted with Susan F. McGlasson? A Yes.
Q What relation is she to you if any? A Niece.
Q Are you acquainted with Nellie W. Cross? A Yes.
Q What relation is she to you if any? A She is my nephew's daughter.
Q Are you acquainted with Susan J. Perkins? A Yes.
Q What relation is she to you if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers, Sheb Perkins, and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A
A Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name she goes by. That is her right name.----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss---what was her mother's name? A Nancy Cross.
- Q All of these applicants get their Choctaw blood through the same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents? A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified get their Choctaw blood through Rachel Shelton? A Yes.
- Q How was your grandmother Miranda Brackeen living in 1830? A My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know---my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

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- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarks-ville.
- Q In what State? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Excused -

Susan J. Perkins being called as a witness, duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post-office address? A Prattville, Delta County Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross, Bledsoe, and Sallie Homer Morgan? A Yes.
- Q Are they related to you? A Yes.
- Q How are they related to you? A They are my sisters children and my own together, I have some in there.
- Q Your children and your sisters children? A Yes.
- Q And your sisters grand children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal black hair and very dark skin.

#5

- Q Did your grandmother remain in Mississippi until she died?
A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know that she did.
- Q You never heard? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it. I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full-blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness Excused.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post-office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now. A Yes.

#6

- Q Are you acquainted with Mrs. Perkins and her children personally?
A Yes I know all of her children.
- Q Are these people all relatives? A Yes sir.
- Q They all claim to get their Choctaw blood through Rachel Shelton? A Yes that is what they claim.
- Q Did you know Rachel Shelton? A Yes.
- Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
- Q Do you remember how she looked? A Yes she was a dark skinned woman.
- Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
- Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkin's mother and I think she must have been dead when they moved to this Country. I knew all of their children.
- Q You don't know anything at all about Mrs. Shelton in Mississippi? A No not at all.
- Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
- Q You never heard her speak about that? A No I never did and I never heard she Shelton's mention anything of the kind.
- Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
- Q You say that she looked to be Indian? A yes she looked to be Indian.
- Q Well what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

Subscribed and sworn to before me this 20th day of September 1901.

G. Rosenwinkel
David Shelby
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3332

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Sallie Homer Morgan,
Paris, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R	3883
Eli J Shelton,	M C R	3884
Ethel Pearl Shelton,	M C R	3885
Irene Thomas, et al.,	M C R	3886
Florence Carson,	M C R	3887
Lola A. Haraway, et al.,	M C R	3888
Ada A. Shelton, et al.,	M C R	3889
Idella Garland, et al.,	M C R	3890
Maud M. Shipe,	M C R	3891
James M. Yates,	M C R	3892
Victor L. McGlasson, et al.,	M C R	3893
Cora Therese Porter,	M C R	3894
Cora Estelle Lindsay, et al.,	M C R	3895
Georgia B. Porter,	M C R	3896
Johnnie G. Berry et al.,	M C R	3897
Marie F. Kidd, et al.,	M C R	3898
Clarence Greenwood Hilburn,	M C R	3899
Willetta M. Murphy, et al.,	M C R	3900
Emma G. Stafford, et al.,	M C R	3901
Melville Yates, et al.,	M C R	3902
Walter A. Jones, et al.,	M C R	3903
Verner D. Jones,	M C R	3904
Arthur L. Jones, et al.,	M C R	3905
Herbert I. Jones,	M C R	3906
Gus B. Shelton,	M C R	3907
Jack R. Garland, et al.,	M C R	3908
Nannie L. Garland,	M C R	3912
Joella G. Garland,	M C R	3913
Leda M. Garland,	M C R	3914
Mary Gertrude Grant,	M C R	3915
Lucinda A. Johnson, et al.,	M C R	3916
Joseph R. Johnson,	M C R	3917
Wirtter R. Garland, et al.,	M C R	3922
Lamartine R. Latimer, et al.,	M C R	3923
Homer Murphy, et al.,	M C R	3924
John W Murphy, et al ,	M C R	3925
Jeunie B. Tucker, et al.,	M C R	3926
James M. Yates, jr., et al.,	M C R	3927
Napoleon S. Young, et al.,	M C R	3928
Robert S. Hilburn, et al.,	M C R	3929
William N. Yates, et al.,	M C R	3930
Thomas M. Murphy,	M C R	3964
Thomas, S. Young, et al.,	M C R	3971
William C. Hilburn,	M C R	3972
Robert Clarence Montgomery,	M C R	3973
Henry R. Latimer, et al.,	M C R	3974
Fannie Montgomery, et al.,	M C R	3975
Harvey O. Jones,	M C R	3976
Eugene S. Wood,	M C R	3977
Porter A. Bywaters,	M C R	3978
Malcolm W. Forbes,	M C R	3979
Napoleon W. Young, et al.,	M C R	3980
May R. Rush, et al.,	M C R	3981
Lena C. Strickland, et al.,	M C R	3982
R. Shelton Bywaters,	M C R	3983
Frank E. Wood,	M C R	3984
Alice P. Bywaters, et al.,	M C R	3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Iams Pirby.

Acting Chairman.

Registered.

77911

REFER IN REPLY TO THE FOLLOWING:

MCR 3332

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1905.

Sallie Homer Morgan,
Paris, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman, et al.

The application made by you for the identification of yourself and five minor children, Mamie Cross, Willie Carleton, Florence Rachel, Calvin Miller and James Shelby Morgan, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

W. O. Beall,

Acting Commissioner.

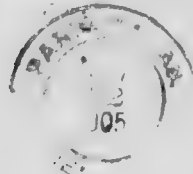
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COMMISSION TO ENQUIRE

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.



Callie Moler Morris,

UN

No.

3232

For Identification as a Mississippi Choctaw.

Date

AUG 24 1901

Name *Sallie Homer Morgan*

Age

35

Blood

1/8

Post Office, *Paris Texas*

Father: *James Shelby Cross*

Mother: *Nancy A. Cross (dead)*

Claims through

mother

Husband: Calvin M. Morgan
(no claim for him)

Children:

<i>Manie Cross Morgan</i>	<i>"</i>	<i>11</i>
<i>Millie Carlton</i>	<i>"</i>	<i>9</i>
<i>Florence Rachel</i>	<i>"</i>	<i>7</i>
<i>Calvin Miller</i>	<i>"</i>	<i>5</i>
<i>James Shelby</i>	<i>"</i>	<i>3</i>

Claims for self and 5 children

Stenographer

G Rosenwinkel

Choctaw MCR 3333

Mary M. Dunnam

" See MCR 2337

MCR 3333

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 23, 1901.

In the matter of the application of Mary M. Dunnam for the identification of herself and five minor children as Mississippi Choctaws.

Mary M. Dunnam, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary M. Dunnam.
Q What is your age? A Thirty years.
Q What is your post office address? A Energy..
Q Mississippi? A Yes sir.
Q What county is Energy in? A Clarke County
Q How long have you lived in Clarke county, Mississippi? A I was born and raised there.
Q Lived there all your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A A. F. McLendon.
Q Is your mother living? A Yes sir.
Q What is her name? A Deborah A. McLendon.
Q Through which one of these parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim to have? A I don't know sir
Q You have no idea how much Choctaw blood you have? A No sir.
Q You are sure you have Choctaw blood are you? A I don't know sir, all of my kin has been here.
Q Can you give us any idea as to how much Choctaw blood you have?
A No sir.
Q Has your mother always lived in Clarke county, Mississippi? A Yes sir.
Q Through which one of her parents did she derive her Choctaw blood?
A Her mother.
Q What was her mother's name? A Lucy Davis; she was Lucy Griffin before she married.
Q Did you know Lucy Davis? A Yes sir, she was my grandmother.
Q Did she speak or understand the Choctaw language? A I don't know sir, she died when I was small.
Q You don't remember how she looked? A No sir.
Q You don't know how much Choctaw blood she had? A No sir.
Q Did she always live in Mississippi? A I don't know sir, I reckon so.
Q Through which one of her parents did she get her Choctaw blood?
A Through her mother.
Q What was her mother's name? A Harriet Conner, she married a Griffin later.
Q You never saw her? A No sir.
Q And you don't know anything about where she lived? A No sir.
Q About how old is your mother? A Fifty six.
Q How old would your grandmother be if she were living now? A She was born in 1820.
Q Have you ever been to the Indian Territory? A No sir.
Q Was your mother ever out there? A No sir.

Mary M. Dunnam-----2.

- Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A James W. Dunnam.
Q Has your husband any Indian blood? A No sir.
Q You make no claim for him? A No sir.
Q Have you any children? A Yes sir, five.
Q What are their names and ages? A Edward.
Q How old is Edward? A Eleven.
Q Next one? A Allen P.
Q How old? A Ten years old.
Q Next one? A Siddie.
Q That is a girl? A Yes sir.
Q How old? A Seven years old.
Q Next one? A James R.
Q How old is James? A Five.
Q Next one? A Collin W.
Q How old is Collin? A Two.
Q That is all of them? A Yes sir.
Q These are all the children of yourself and James W. Dunnam? A Yes sir.
Q This application is for yourself and five minor children, is it? A Yes sir.
Q Is your name or the name of any one of these children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that tribe? A No sir.
Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application of any description that has ever been made for yourself or any of these children? A Yes sir.
Q Do you now desire to make application for identification of yourself and five minor children as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that fourteenth article? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaw Indians lived here in Mississippi and over on the edge of Alabama along the western line. The object of the treaty was to secure the removal of these Indians from the country occupied by them here to a new country west of the Mississippi river, a portion of which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time the treaty was made, some of the Indians were unwilling to leave this country and go to the new country west of the Mississippi river, and for the benefit of those who preferred to remain here the fourteenth article was put into the treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months ~~mt~~ from the ratification of this treaty, and he or she shall thereupon

Mary M. Dunnam-----3.

be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. ~~Said~~ Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the fourteenth article of the treaty of Dancing Rabbit Creek--Do you think you understand that? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article? A Not that I know of.
- Q None of them ever received any benefits under it that you know of? A No sir.
- Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
- Q Were any of them recognized members of the tribe here at that time? A I don't know.
- Q Did any of them own any improvements here in the Choctaw Nation at that time? A I don't know.
- Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I don't know.
- Q Did any of them within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the United States agent for the Choctaws here in Mississippi their intention to remain and become citizens of the states? A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did any of them ever claim or receive any land under any other article of that treaty than the fourteenth article or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of Choctaws who might desire to remain and become citizens and take land here? The records of the government show that that agent failed to register the names of many Indians who did in fact signify to him their intention to remain here and become citizens of the states. On this account, the government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the government under this fourteenth article. The selling of this land caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1857.

Mary M. Dunnam-----4.

providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaw Indians who claimed they had complied with article fourteen of the treaty of Dancing Rabbit Creek in all respects but that their land had been sold by the government and taken from them. This Commission was duly appointed by the President and the Commissioners came down here and heard a great many of these cases, but in the time allowed them by the acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of these cases, and further legislation ~~gk~~ therefore became necessary. And Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment ~~kg~~ of another Commission to come down here and finish up the hearing of these cases. That second commission was duly appointed by the President, and the Commissioners came down here in the early forties and hear a great many more of these Choctaw Indian cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of that treaty? A No sir, not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty, but that his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip under this act of Congress? A No sir.

Q So far as you know then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q And you do not know of any of them who were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q Have you any written evidence of any kind you want to offer A No sir.

Q Did you ever see or hear of any deed or patent issued by the government to any of your ancestors covering land here in Mississippi under this fourteenth article or under any other article A No sir.

Q Have you any witnesses before the Commission? A No sir.

Q Do you know of any one living who would likely be informed as to whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty or ever received any benefits thereunder? A No sir.

You will be allowed a reasonable time in which to bring or send before the Commission any witnesses which you may see fit to introduce. We would like to have you bring them here in case you care to bring any witnesses as soon as you can, as our appointment is indefinite. If you care to submit written evidence please submit that within a period of thirty days if possible.

Q Have you any brothers or sisters over twenty one years of age?

A Yes sir.

Q What are their names? A Lucy J. Slay, Harriet I. Carmichael, Margaret A. Thornhill, Roster A. McLendon and John E. McLendon.

Mary M. Dunnam-----5.

- Q Have you any brothers or sisters that are under twenty one years of age? A Yes sir.
- Q What are their names? A Annie P. McLendon, Charles K. McLendon, Allen F. McLendon and Luella Kate, McLendon.
- Q Is that all? A Yes sir.
- Q Are any of your mother's brothers living? A Yes sir.
- Q What are their names? A Charles M. Davis and Edward T. Davis.
- Q Is that all? A Yes sir.
- Q Any of your mother's sisters living? A One.
- Q What is her name? A Harriet M. Dedwylder.
- Q Did your mother have any other sisters? A One more sister, she is dead. Jane M. Pavin.
- Q What is her husband's name? A David C. Gavin.
- Q Are any of your mother's mother's brothers living? A One, Thomas B. Griffin.
- Q He is the Thomas B. Griffin who lived here in Lauderdale county, Mississippi? A Yes sir.
- Q Are any of your mother's mother's sisters living? A Yes sir.
- Q What are their names? A Nancy Buckalew and Margaret Gunn.
- Q Any further statements you care to make? A No sir.

This applicant has the appearance of being a white woman, and shows no indications of being possessed of Indian blood.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 29th day of August, 1901.

[Signature]
Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3333.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Mary. W. Dunnam,

Energy, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

M C R 3333

Muskogee, Indian Territory, December 5, 1902.

Mary M. Dunnam,

Energy, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

#1321

No.

213

For Identification as a Mississippi Choctaw.

Date

2 1901

Name Mary M Dunnam

Age 30

Blood don't know

Post Office, Energy, MissFather: A. F. McLendon SMother: Deborah A " S

Claims through mother
 husband James W Dunnam S
 no claim for him.

Children:

Edward Dunnam 11Allen F. " 10Siddie " (F) 7James R " 5Collin W " 2

(Claims for self and 5
 minor children)

Stenographer

H. E. Rusten

Choctaw MCR 3334

Debora Ann McLendon

See MCR 2337

MCR 3334

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 23 1901.

In the matter of the application of Deborah Ann McLendon for the identification of herself and four minor children as Mississippi Choctaws.

Deborah Ann McLendon, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Deborah Ann McLendon.
Q How old are you? A Fifty six.
Q What is your post office address? A Linton, Clarke County, Mississippi.
Q How long have you lived in Clarke County, Mississippi? A Ever since I was born.
Q Is your father living? A No sir.
Q What was his name? A Rosier W. Davis.
Q Is your mother living? A No sir.
Q What was her maiden name? A Lucy Griffin was her maiden name, she married Davis.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim to have? A I don't know, my uncle, Thomas B. Griffin, has made the proof here.
Q Didn't you ever hear how much Choctaw blood your mother claimed? A No sir, I never heard her say.
Q You have no idea how much Choctaw blood you have? A No sir.
Q How old would your mother be if she were living? A She was born in 1826, the fourteen day of November.
Q Where was she born? A Clarke County, Mississippi--now, I cannot say for certain, but I reckon it was in Clarke county.
Q She lived there all her life? A Yes sir, I never heard her speak of living anywhere else.
Q Through which one of her parents did your mother get her Indian blood? A Her mother.
Q What was her name? A Harriet Connor.
Q What was her maiden name? A That was her maiden name.
Q What was her name after she married? A Griffin.
Q What was your mother's father's name? A John Griffin.
Q Do you remember of having seen Harriet Connor? A Yes sir, I have seen her.
Q You don't know how much Choctaw blood she had? A No sir.
Q Describe her personal appearance? A She was a low chunky woman; she had keen black eyes and dark skin and black hair.
Q Did she speak or understand the Choctaw language? A I don't know that she did. A I don't remember of hearing her speak the Choctaw language.
Q Did your mother speak or understand the Choctaw language? A She did, some things.
Q Just a few scattering words? A Yes sir.
Q Do you speak or understand that language? A No sir.
Q Have you ever been out to the Indian Territory? A No sir.
Q Was your mother ever out there? A No sir.
Q Are you married? A Yes sir.

Deborah Ann McLendon-----2.

- Q What is your husband's name? A A. F. McLendon.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q Have you any children under twenty one years of age and unmarried? A Yes, four.
Q What are their names and ages? A Annie P.
Q How old? A Twenty.
Q Next one? A Charles Kennet.
Q How old is he? A Eighteen.
Q Next one? A Allen F. Jr.
Q How old? A Sixteen.
Q Next one? A Luella Kate.
Q How old is Luella Kate? A She is twelve now.
Q You have four minor children? A Yes sir.
Q None of these are married? A No sir.
Q This application is for yourself and four minor children? A Yes sir.
Q Are these four children all the children of yourself and Allen F. McLendon? A Yes sir.
Q Is your name or the names of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that tribe? A No, never did.
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application of any description that you have ever made, or that has ever been made for yourself and any of these children? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir, I reckon.
Q Do you understand that fourteenth article? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaw Indians lived here in Mississippi and along the western edge of Alabama. That was seventy one years ago nearly. The object of that treaty was to get these Indians to move out west of the Mississippi river to a new country; a part of that country is now occupied by the main portion of the Choctaw tribe of Indians, and it is in the Indian Territory. Some of the Indians when the treaty was made did not want to go out west and insisted that they be permitted to stay here and it was found necessary to put the fourteenth article into the treaty. This fourteenth article is as follows: Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be

Deborah Ann McLendon-----2.

under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek; Do you think you understand that clearly? A Yes sir.

You understand this fourteenth article refers to people who were living seventy years ago in Mississippi, Choctaw Indians, recognized members of the tribe. It said that if these Choctaws wanted to stay here and not go to the new country west of the Mississippi, and wanted to take land, they would be permitted to do so and could become citizens of the states, but they must within six months from the time that treaty was ratified let the agent of the government know that they did want to stay here, and they would be entitled to one section of six hundred and forty acres of land; that is, a head of a family would; and if that head of a family had a child over ten years of age and unmarried, that child was entitled to three hundred and twenty acres of land, and if he had a child under ten years of age, that child was entitled to one hundred and sixty acres or a quarter section of land. These children's land must adjoin the parent's, and the reservation must include the improvements of the head of the family as they existed on the 27th day of September, 1830, the day the treaty was made. The treaty was ratified on the 24th day of February, 1831, so it was necessary for those Choctaws who wanted to take advantage of the provisions of article fourteen to let the agent of the government know they wanted to stay within six months from the 24th day of February, 1831. If the Choctaws lived on this tract of land that had been reserved to them for a period of five years from February 24, 1831, he was entitled to a grant in fee simple for that land. That is, they were entitled to a deed or patent conveying to him all the right, title and interest of the government to that land. Those are the requirements of the fourteenth article.

Q Do you think you clearly understand that? A Yes sir.

A good many Choctaw Indians lived here at that time who did want to stay and wouldn't go to the new country, and those who wanted to stay did go to the agent within six months from the time the treaty was ratified and eventually got land from the government and some of that land received by those Indians seventy years ago is still owned by their descendants, full blood Choctaw Indians in Mississippi.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits thereunder? A Not that I know of.

Q What one of your Choctaw ancestors was living here in Mississippi in 1830 when this treaty was made? A My grandmother was living.

Deborah Ann McLendon-----3.

Q If your mother was born in 1830, she was living here too? A Yes sir.

Q Was your grandmother a recognized member of the Choctaw tribe of Indians if she was living here at that time? A If she was, I didn't know it.

Q Did she own any improvements here in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty was made? A I don't know that she did?

Q Did your grandmother or any other of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A No sir.

Q Did any of your Choctaw ancestors within six months of the time this treaty of Dancing Rabbit Creek was ratified signify to the agent of the Government their intention to remain and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government of the United States here in Mississippi under the provisions of article fourteen? A If they did, I never heard talk of it.

Q You think it probable that you would have heard of it if they had received land? A Yes sir.

Q Did they ever receive any land from the Government here in Mississippi, or any money, under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement of that treaty? A Not that I know of

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here and become citizens of the states. The records of the Government show that that agent failed to register the names of many Indians who did in fact signify to him their intention to remain and become citizens of the states. On this account, the Government at its public land sales here in Mississippi frequently sold land upon which Choctaws had improvements and lived, and which they supposed they would receive from the Government under the provisions of this fourteenth article of the treaty, and the Choctaws were deprived of their land. This action of the Government caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for a Commission to come down here in Mississippi and hear the cases of Choctaws who claimed they had complied with all the provisions of article fourteen of that treaty, but that their lands had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here in Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases; Further legislation therefore became necessary, and Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of a second Commission to come down here and finish up the work of hearing these Choctaw cases. That second Commission was appointed and the commissioners came down here and heard a great many more of these Choctaw cases.

Deborah Ann McLendon-----4.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under the fourteenth article of that treaty? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty, but that his land had been sold by the government, and he had been deprived of it, he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States government under this act of Congress? A Not that I know of.

Q So far as you know none of your ancestors have received any benefits whatever as Choctaw Indians? A Not that I know of.

Q And none of your ancestors that you know were recognized members of that tribe? A No sir, not that I know of.

Q Do you know any one living who would probably know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen or ever received any benefits thereunder? A No sir.

Q You have no one here this morning to testify in your behalf? A No sir.

Q Have you any written evidence of any kind? A No sir. They said my uncle Thomas Griffin had come and made the proof--he was my own uncle, my mother's brother.

In case you should see fit to submit evidence, either in the form of affidavits or produce the witnesses before the Commission within a reasonable time, the Commission will hear the testimony of the witnesses or receive the affidavits. We would be glad to have you give this matter attention within thirty days if you see fit to do so.

Q Give the names of your children who are over twenty one years of age? A Lucy Jane Slay, Harriet I. Carmichael, Mary M. Dunnam, Margaret A. Thornhill, Rosier A. McLendon and John Edward McLendon.

Q That is all of them? A Yes sir.

Q How many of these six have been before the Commission or are before the Commission now? A Two of my daughters were here yesterday, Lucy Jane Slay and Harriet I. Carmichael were here yesterday, and the two boys are here now, Rosier A. and John Edward McLendon are here now, and Mary Dunnam.

Q Have you any brothers living? A Yes, Charles M. Davis and Edward T. Davis. They have been here.

Q Did you ever have any other brothers? A No.

Q Have you any sisters? A One, Jane M. Gavin. She is dead, her children have been here; and the other is Harriet M. Dedwylder.

Q Do you remember the names of the children of your deceased sister, Jane M. Gavin? A Yes sir.

Q Give the names of these children? A Rosier S. Gavin, Charles H. Gavin, George Edward Gavin, Ada Powers, Davis L. Gavin and Lillie Jackson. The other children are minors.

Q What are their names? A Evan Gavin and Janie Gavin.

Deborah Ann McLendon-----5.

- Q Did you ever have any other sisters? A No sir, that is all.
Q Are any of the brothers of your mother living? A Just one, Thomas B. Griffin.
Q He has been before the Commission? A Yes sir.
Q Where does he live? A He lives right out in Lauderdale county, Mississippi.
Q Did your mother ever have any other brothers? A Yes, James G. Griffin and John Griffin, they are both dead.
Q Did she have any sister? A Yes sir, her oldest sister married and went to Texas; I reckon she is dead ny this time.
Q Has she any other sisters who are living? A Yes her other two sisters are living, Margaret Gunn and Nancy Buckalew.
Q What is the name of the one who went to Texas? A Betsey Ivey.
Q Are there any further statements you want to make? A No sir.

This applicant has the appearance of being a white woman, although her hair would indicate that she might be possessed of a small proportion of Indian blood; she has high cheek bones, dark eyes, straight black hair. She does not speak or understand the Choctaw language.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 20th day of August, 1901.

[Signature]
Notary Public.

COMMISSIONERS:

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3334.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Deborah Ann Molendon,

Linton, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
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John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

M C R 3834

Muskogee, Indian Territory, December 5, 1902.

Deborah Ann McLendon,

Linton, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

#1322

No. 3234

For Identification as a Mississippi Choctaw.

Date AUG 21 1901

Name Deborah Ann McLendon

Age 56 Blood don't know

Post Office, Linton, Miss.

Father: Rosier W. Davis d

Mother: Lucy " d

Claims through mother
Husband A. F. McLendon
No claim for husband.

Children:

Annie F. McLendon 20

Charles Kenneth " 18

Allen F. " Jr 16

Luella Kate " 12

(Claims for self and 4
minor children.)

Stenographer.

H. R. Ruten

Choctaw MCR 3335

John E. McLendon

See MCR 2337

MCR 3335

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 23, 1901.

In the matter of the application of John E. McLendon for
identification as a Mississippi Choctaw.

John E. McLendon, having been first duly sworn, upon
his oath states as follows:

Examination by the Commission.

- Q What is your name? A John E. McLendon.
Q What is your age? A Twenty three.
Q What is your post office address? A Linton, Mississippi.
Q How long have you lived at Linton? A Twenty three years.
Q All your life? A Yes sir.
Q In what county is Linton? A Clark County.
Q What is your father's name? A Allen F. McLendon.
Q Is he living? A Yes sir.
Q What is your mother's name? A Deborah A. McLendon.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Mother.
Q How much do you claim? A I don't know.
Q Is Rosier A. McLendon your brother? A Yes sir.
Q He made application here on this date, just previous to your
application, and he claimed to be 1/32; do you know whether that's
right? A That's right, as far as I know.
Q Do you think you can testify to that quantity, or will you
testify that you don't know? A Well, I don't know.
Q Has your mother ever been recognized in any way or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Territory?
A No sir.
Q Are you married? A No sir.
Q You simply make application for yourself? A Yes sir.
Q Have any of your relatives or kin folks appeared before the
Commission for identification as Mississippi Choctaws? A Yes sir.
Q Can you give me the names of those who have appeared? A Uncle
Thomas B. Griffin.
Q When did he come before the Commission, do you know? A I don't
know when.

The records of the Commission show that Thomas B. Griffin
appeared May 23, 1901.

- Q Are you related to Rosier D. Griffin? A Yes sir.
Q What relation are you to him? A Second cousin.

The records of the Commission show that R. D. Griffin
appeared before the Commission at Meridian, Mississippi,
August 2, 1901, M.C.R. 1261.

- Q Well, you name those you can recollect, will you? A Rosier D.

John E. McLendon, 2.

Griffin, C.M. Davis, E.T. Davis, Nancy Buckalew, Sam Griffin, Ada Powers, Fannie Bowles, Nancy Gray, Willery Jackson, Lillie Jackson, Lucy J. Slay, Rosier S. Gavin, Harriet I. Carmichael.

Q Do you recollect any others? A No sir.

Q These are all relatives of yourself? A Yes sir.

Q And they all claim their Choctaw blood through the same ancestry that you claim through? Harriet Griffin? A Yes sir.

Q Do you want their testimony to be considered in your case as though it were a part of your record? A Yes sir.

Q You now make reference to their testimony as supporting your own testimony? A Yes sir.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you, or any one for you, ever make application to the Choctaw tribal authorities, in Indian Territory, to be enrolled as a member of that tribe? A No sir.

Q Did you or any one for you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation, before this time, either to the Choctaw tribal authorities, or the United States authorities? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the provisions of Article 14 of the treaty of 1830? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama, along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi River, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to move to the new country west of the Mississippi River, preferring to remain here in what constituted the old nation. For the benefit of this class of Indians, the 14th article was put into the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried

John E. McLendon, 3.

child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the States in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity. "

That is the 14th article of the treaty of 1830, under which all Choctaw claimants who come before the Commission have a right to make their claim.

- Q You claim under that article? A Yes sir.
- Q And you understand what I have read? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A If they did, I don't know it.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama, in 1830, when the treaty of Dancing Rabbit Creek was made, and if so, were they ever recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own any land in Mississippi and Alabama in 1830, or at any time previous to that year? A Not that I know of.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, with the other Indians when they went there between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors, within six months from the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, who then lived in Mississippi, that they intended to take land in Mississippi and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article 14 of the treaty of 1830? A Not that I know of.
- Q Did they ever receive or claim any land or any other benefits of any kind, under any other article of the treaty of 1830 than article 14, or under the supplement to that treaty? A I don't know.
- Q You claim your Choctaw blood through your mother? A Yes sir.
- Q Through whom did she claim? A Mother.
- Q What was her mother's married name? A Lucy Davis.
- Q What was her maiden name? A Lucy Griffin.
- Q How much Choctaw blood did she have? A I don't know.
- Q Through whom did she claim her Choctaw blood, father or mother? A Mother.
- Q What was her mother's married name? A Harriet Griffin.
- Q What was her mother's maiden name? A Harriet Connor.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have an Indian name? A No sir.
- Q Through whom did she claim her Choctaw blood; through her father or mother? A I don't know.

John E. McLendon, 4.

Q You can't go back any further back than Harriet Griffin? A No sir.

Q And you don't know how much Choctaw blood she had? A No sir.
Q Have you any documentary evidence of any kind, any records, or copies of records, deeds, patents, or any other proper documentary evidence you would like to offer to the Commission now, to show you are lineally descended from Harriet Griffin, and that Harriet Griffin had a certain quantity of Choctaw blood? A I have not.
Q And you can't testify any further with reference to your being descended from a Mississippi Choctaw? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent in Mississippi to register the names of Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did really signify to him their intention to remain in Mississippi and take advantage of the provisions of article 14 of the treaty of 1830. On account of this failure, in many instances, the land upon which Indians had improvements, and which they desired reserved for them under article 14 was sold by the Government at its public land sales, and the Choctaws were deprived of their land. This action of the Government caused many complaints by the Choctaws, and finally the matter was brought to the attention of Congress, and Congress passed an Act which was approved March 3, 1837, providing for the appointment of a Commission, whose duty it should be to come to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article 14 of the treaty of 1830; in 1842, another commission was appointed by Act of Congress for similar purposes.

Q Did any of your ancestors appear before either the Commission appointed under the Act of Congress approved March 3, 1837, or under the Act of Congress approved August 23, 1842, and attempt to establish their rights under article 14 of the treaty of 1830? A I don't know sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied in all respects with the provisions of article 14 of the treaty of 1830, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or in the State of Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A Not that I know of.

John E. McLendon, 5.

Q As far as you know, were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know, did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A Not that I know of.

Q Would you like time in which to introduce documentary evidence and other evidence in support of this application? A I don't know.

A reasonable time will be allowed this applicant in which to offer further written evidence in support of this application. Also, any witnesses who are introduced in this case within a reasonable time, their testimony will be heard in support of this claim.

Q Are there any further statements you want to make in support of this application? A No sir.

(This applicant has the appearance of a person descended from white parentage; he does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the treaty of 1830.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of ~~September~~ August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.

[Signature]

Notary Public.

COMMISSIONERS:

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M. C. R. 3345

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

John E. McLendon,

Linton, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
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George E. Gavin,	" 3267
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Sallie Jacobs, et al.,	" 3477
John F. Gunn, et al.,	" 3558
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Alice Gunn,	" 3560
George W. Gunn,	" 3563
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Harriet Loper, et al.,	" 3566
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Alice Dunmire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Norman Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Registered.

M C R 3835

Washoe, Indian Territory, December 7, 1902.

John E. McLendon,

Linton, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

#1323

No. 5335

For Identification as a Mississippi Choctaw.

Date

AUG 23 1901

Name *John E. Mc Lendon*

Age *23*

Blood

don't know.

Post Office, *Linton, Miss.*

Father: *Allen F. Mc Lendon, C*

Mother: *Deborah A. " l*

Claims through *Mother*

~~Chick~~

*Claims for self
alone,*

Stenographer

R. S. Strick

Choctaw MCR 3336

Rosier A. McLendon

See MCR 2337

MCR 3336

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 23, 1901.

In the matter of the application of Rosier A. McLendon
for identification as a Mississippi Choctaw.

Rosier A. McLendon, having been first duly sworn, upon his
oath states ~~that~~ as follows:

Examination by the Commission.

- Q What is your name? A Rosier A. McLendon.
Q What is your age? A Twenty five.
Q What is your post office address? A Linton, Mississippi.
Q How long have you lived there? A All my life.
Q In what county? A Clark County.
Q What is your father's name? A Allen F. McLendon.
Q Is he living? A He is living.
Q What is your mother's name? A Deborah A. McLendon.
Q Is she living? A Yes sir.
Q Is that the lady over there? A Yes sir.
Q Through which one of these parents do you derive your Choctaw
blood? A Through my mother.
Q How much do you claim? A I don't know sir.
Q Have you any idea? A No, I don't know how much; about 1/32
I think; my great grand father was a quarter.
Q Has your mother been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by either the Choctaw tribal
authorities or the United States authorities in Indian Territory?
A No sir, not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Mary.
Q She is not an Indian is she? A No sir.
Q White? A Yes sir.
Q Do you make any claim for her? A No sir, not at all.
Q Have you any children under twenty one years of age and unmarried?
A No sir.
Q Just claim for yourself alone? A Yes sir.
Q You say you claim through your mother? A Yes sir.
Q Through which one of her parents does she claim? A Her mother.
Q What was her mother's name? A Lucy Jane Griffin.
Q What was her maiden name? A That was her maiden name; then
she married Davis.
Q I am talking about your mother's mother, through whom she
claims? A Yes sir, that's right.
Q Her maiden name was Davis and her married name was Griffin?
A Yes sir.
Q And through which one of her parents did she claim her Choctaw
blood? A Her mother.
Q What was her mother's name? A Harriet Connor.
Q What was her married name? A Griffin.
Q How much Choctaw blood did she have? A I don't know myself.
Q Did you ever hear? A No sir, I never saw her.
Q Through which one of her parents did Harriet Griffin claim her
Choctaw blood? A I don't know sir.
Q You don't know any further back than Harriet Connor, then? A No

Harriet I

Rosier A. McLendon, 2.

sir.

Q Did she speak the Choctaw language? A No sir. Not that I know of.

Q Do you speak the Choctaw language? A No sir, don't understand a word.

Q You can't give me any idea of the amount of blood that Harriet Connor had? A No sir.

Q Do you know anything about her? As a Choctaw Indian? A No sir, only what my mother has told me and what I have heard them talking.

Q Can't you tell anything about what you have heard? A No sir.

Q When did she die, do you know? A No sir.

Q Do you know how old she was when she died? A No sir.

Q Have you any documentary evidence in reference to your being descended from a Choctaw Indian; any evidence, written testimony of any kind? A No sir.

Q Have you had any relatives or kin folks ~~xx~~ who have applied for identification as Mississippi Choctaws before the Commission at this session? A Yes sir.

Q Will you give the names of some of your relatives? A Yes, I can give the names. Nancy Buckalew, and her brother was uncle Tom Griffin.

Q Do you know when they appeared before the Commission for identification? A No sir.

Q It was at the present session of the Commission at Meridian? A Yes sir, I think it was; it's not been very long ago.

Q Are you related to Rosier D. Griffin? A Yes sir, he was a first cousin of my mother.

Q Is he the same Rosier D. Griffin who appeared before the Commission for identification August 2, 1901? A Well I reckon it is; I don't know of any other Rosier Griffin; I don't know when he appeared.

Q And you are also a relative of Fletcher, Zilla, Henry, Timmy and Rella Griffin, and others, all on Mississippi Choctaw Card number 1261? A Yes sir.

Q Are you related to Rosier S. Gavin? A Yes sir he is a first cousin of mine.

Q Is he the same Rosier Gavin who appeared before the Commission August 15, 1901? A Yes sir he is the same fellow.

The records of the Commission show that he appeared on that date, M.C.R.1286.

Q What kin was Charles R. Gavin to you? A He is a first cousin of mine; he is a brother of Rosier Gavin.

The records show that he appeared on August 15, 1901. M.C.R.1287.

Q Are you related to Evan M. Gavin? A Yes sir, first cousin.

The records show that he appeared for identification before the Commission August 21, 1901, M.C.R.1314.

Q Are you related to Sam W. Griffin? A Yes sir.

Q What relation is he? A He is a cousin of my mother; first cousin.

Rosier A. McLendon, 3.

The records show that he appeared before the Commission August 22, 1901, M.C.R. 1316.

Q Do you remember the names of any others who appeared and are kin to you? A C. M. Davis, an Uncle of mine.

Q He appeared at the present session? A Yes sir, on August 15, I think.

Q And E. T. Davis he appeared the same date? A Yes sir.

Q Any others you can think of? A Yes sir, there is Mrs. Ada Rowers, she was in yesterday.

Q She appeared before the Commission August 22, 1901? A Yes sir.

Q And Fannie Bowles, do you remember her? A Yes sir, she ~~is~~ and I are second cousins.

Q Now, these are all relatives of yours? A Yes sir.

Q Do you want their testimony to be considered and made a part of the record in your case? A Yes sir.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you or any one for you, ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Did you ever make application, or any one for you, in 1896, to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?

A No sir.

Q Have you ever made application before this time for membership in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Did you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the State of Mississippi, and a small portion of the State of Alabama, along the western boundary line; the object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi River, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to remove to the new country west of the Mississippi River, preferring to remain here in what constituted the old Nation. For the benefit of this class of Indians, the 14th article was put into the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within

Rosier A. McLendon, 4.

six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now, that is the article of the treaty of 1830, under which you claim.

- Q You understand that, do you? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A No sir, not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830, or any time before that? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, or any time previous to that year? A Not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors ever go to the Indian Territory? A Not that I know of.
- Q Did any of your ancestors, if Choctaw Indians, within six months from the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, who then lived in Mississippi, that they wanted to stay in Mississippi and take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir, I don't know.
- Q Did they ever receive or claim any land in Mississippi, or any benefits, under any other article of the treaty of 1830, than article 14, or under the supplement to that treaty, do you know? A No sir.
- Q

In accordance with the provisions of the 14th article of the treaty of 1830, the Government directed an agent here in Mississippi to register the names of Choctaws who might desire to remain in Mississippi and occupy land there. The records of the Government show that this agent, Colonel Ward, failed to register a very large number of Choctaw Indians, who did make application to him within six months after the ratification of the treaty of 1830; as a result

Rosier A. McLendon, #5.

of this failure on the part of the United States Indian Agent here in Mississippi, a great many Indians who had improvements on lands in Mississippi, had their lands taken away from them, and this land was afterwards sold by the Government at its public land sales, and thus, the Indians were deprived of their lands. This action of the Government caused a great many complaints and as a result of those complaints, Congress passed an Act which was approved on March 3, 1837, providing for the appointment of a commission, which commission was to go to the State of Mississippi and adjudicate these claims of Indians who claimed rights under article 14 of the treaty of 1830; and in 1842, Congress provided for the appointment of another commission for a similar purpose.

Q Did any of your ancestors appear before either of these commissions appointed under the Act of Congress of March 3, 1837, or the commission appointed under the Act of Congress approved August 23, 1842, and attempt to establish their rights under article 14 of the treaty of 1830? A No sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A No sir, I don't know.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know, did any of them ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Have you any written evidence you would like to offer now in support of this application? A No sir.

Q Do you desire to offer written evidence in support of your claim at a later date? A Yes sir.

You will be allowed a reasonable time in which to offer proper documentary evidence in support of this application; also, if you should desire to bring any witnesses, or send any witnesses here to testify in your behalf, a reasonable time will be allowed you in which to present them here.

Q Are there any further statements you want to make in support of this application? A No sir.

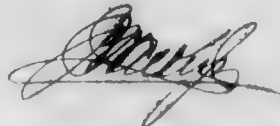
Rosier A. McLendon, G.

Q I understood you to say you did not understand or speak the Choctaw language? A No sir, I don't.

(This applicant has the appearance of being a person descended from a white parentage; he does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the commission to the Five Civilized Tribes, he reported in full ~~and~~ all proceedings had in the above entitled cause on the 23rd day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi,
this 24th day of August, 1901.



Notary Public.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3333

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Rosier A. McLendon,

Linton, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Norman Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

COPY. M C R 3336

Muskogee, Indian Territory, December 6, 1902.

Rever A. McLendon,

Linton, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

James D. Doby

Acting Chairman.

No. 3235

For Identification as a Mississippi Choctaw.

Date AUG 23 1901

Name Rosier A. Mc Lendon

Age 25

Blood

1/32

Post Office, Linton, Miss.

Father: Adam Allen, " l.

Mother: Deborah A, " l.

Claims through Mother.
wife

Mary — w.

No claim for wife.

~~known~~

Claims for self
alone.

Stenographer

R. S. Streit

Choctaw MCR 3337

Becky Farthing

See MCR 3338, 3339, 3340, 3342

Supplemental-To - 1138

MCR 3337

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Becky Farthing, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Becky Farthing, et al	M.O.R. 3337
Martha Wansley, et al	" 3338
Lula Wansley, et al	" 3339
John Farthing, et al	" 3340
Mary Berry, et al	" 3342

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Becky Farthing, et al.

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Original application of Becky Farthing, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Joint affidavit of J. M. Dent and Dr. G. R. Norman	9
Original application of Martha Wansley, et al., before the Dawes Commission for identification as Mississippi Choctaws	10
Certified copy of marriage license of Luther Wansley and Martha Farlin	14
Original application of Lula Wansley, et al., before the Dawes Commission for identification as Mississippi Choctaws	16
Certified copy of marriage license of Edward Wansley and Lula Farlin	22

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Original application of John Farthing, et al., before the Dawes Commission for identification as Mississippi Choctaws	23
Certified copy of marriage license of John Farthing and Serena Cannon	28
Joint affidavit of Wm. Aills, M.D., and L. W. Ellis ...	29
Original application of Mary Berry, et al., before the Dawes Commission for identification as Mississippi Choctaws	30
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Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 23, 1901.

In the matter of the application of Becky Farthing for the identification of herself and four minor children as Mississippi Choctaws.

Becky Farthing, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Becky Farthing.
Q How old are you? A Well, I don't know my age.
Q About how old? A About -- near about fifty.
Q How old is your eldest child? A About thirty one.
Q What is your post office address? A Florence, Rankin County, Mississippi.
Q How long have you lived in Rankin County, Mississippi? A I have been there about thirty years I reckon. I don't know exactly; I have been there over twenty years.
Q Where did you live before that? A Simpson County, Mississippi.
Q How long did you live there? A I was born down there, and after I married, I moved to Rankin.
Q You have lived in the State of Mississippi all your life? A Yes sir.
Q Is your father living? A No sir, he is dead.
Q What was his name? A Billy Mangum.
Q Is your mother living? A No sir, she is dead.
Q What was her name? A Minerva Mangum.
Q Through which one of your parents did you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim to have? A Half. He was whole.
Q How old would your father be if he were living now? A I couldn't tell you how old he would be.
Q About how old? A I reckon he would be sixty or seventy years old. My mother was sixty when she died.
Q When did she die? A She has been dead five years, I believe.
Q And your father was old than she? A Yes sir.
Q Were you a slave? A Yes sir.
Q Your mother was a slave? A Yes sir.
Q And your father a slave too? A No sir, he stayed with the white folks; he just worked his little crop to himself; they let him work and stay there with them.
Q Where? A In Simpson County.
Q When did he die? A He died since the surrender.
Q You are sure he wasn't a slave, now, before the surrender?
A Who.
Q Your father? A My father?
Q Yes? A No sir, he wasn't no slave; he just stayed with the white folks.
Q Were your father and mother married? A Well, you know them times-- they didn't marry in slave times.
Q They had their certain form of ceremony for slaves, didn't they?
A Yes sir.

Becky Farthing, et al., 2.

Q Were they married according to the slaves custom? A Yes sir; he didn't have no other children, except by my ma.

Q How many children did he have by your mother? A Ten, but the most of them is dead. I aint got but three sisters living.

Q Did your father live on the place of the people who owned your mother? A Yes sir, he lived right on the place of the people who owned my mother, and stayed right with them; they told me he come there a small boy.

Q You remember your father distinctly? A Yes sir.

Q Did he look like an Indian? A Yes sir, just like the other Indians because you know he never died until two years after the surrender.

Q You would be willing to swear positively that he was a full blood Choctaw Indian? A Yes sir.

Q Did he speak or understand the Choctaw language? A Yes sir; just set down and talk to any other Indian; set down there and talk to any other Indian; but he never did learn we children; never did learn us.

Q After the surrender did he live with your mother and his children?

Q Yes sir, he lived right there until he died.

Q Did he have a Choctaw name? A Yes sir.

Q What was his Choctaw name? A Choctaw name?

Q Yes? A They just called him Choctaw; they just called him that, but he always went by Billy Mangum, ever since I knowed him.

Q Now, the Indians have a custom among them of having an English name, and a Choctaw name; I want to know whether he had a name- Choctaw name - Indian name? A I don't know whether he did or not.

Q Do you know the names of his father and mother? A His mother was named Becky; he named me for his mother.

Q What was his father's name? A I don't know sir, what his father's name was.

Q Did you ever see his father or mother? A No sir, never did see them. He always said he named me after his mother.

Q You know nothing whatever now of your father's ancestors? A No sir.

Q You don't know any of them, and where they lived? A No sir, just remember him.

Q So far as you know did your father always live here in this State? A Yes sir, so far as I know, he always lived here.

Q Have you ever been to Indian Territory? A No sir.

Q Was your father ever out there? A Not as I knows of.

Q Are you married? A Yes sir.

Q Have you any children under twenty one years of age and unmarried? A No sir, all of them is just twenty.

Q Didn't you say awhile ago, you had some under twenty one? A Oh! under twenty one, four.

Q What is the name of your husband? A Dave Farthing.

Q He is living is he? A Yes sir.

Q Do you live with him at this time? A Yes sir.

Q Has he any Choctaw blood? A ~~Yes sir~~. I don't know sir; they all says he is.

Q You make no claim for him? A No sir.

Q What is he? A Is he Indian or what?

Q Yes? A I don't sir; all the white folks around there says he is got Indian blood. He is nigger.

Q And what are the names and ages of these minor children? A Cora.

Q How old is Cora? A She is seventeen years old.

Becky Farthing, et al., 3.

Q The next one? A Gracie.

Q How old? A She is about fifteen, I think.

Q The next one? A Henry.

Q How old? A Fourteen.

Q The next one? A Laura.

Q How old? A She is twelve.

Q Is that all your minor children? A Yes sir.

Q Are these children all living with you? A Yes sir.

Q Are they all the children of yourself and Dave Farthing? A Yes sir.

Q This application is for yourself and these four minor children? A Yes sir.

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?

Do you know what that means? A No sir.

By the tribal rolls, I mean list of the names of persons who belong to the Choctaw tribe out in Indian Territory, prepared by the tribal authorities.

Q Now, is your name, or the names of any one of these children on these rolls? A Yes sir.

Q What? A Give the names?

Q Is your name, or the names of these children on any of the Choctaw tribal rolls out there? A I don't understand that.

Q I have explained to you what they are. I want to know whether any of your names are to be found upon any of those rolls, or lists of people who belong to the Choctaw tribe of Indians out in the Territory? A Is I willing to say that?

Q Now, you testify that your name, or the names of either one of these children, are on the rolls out there? A Yes sir.

Q You are willing to swear to that? A Yes sir.

Q How do you know they are out there? A They got the stand of them; it looks like they ought to be; the grand father was Injun.

Q Your children's grand father? A Yes sir.

Q You think they ought to have the names out there because he is a Choctaw? A Yes sir.

Q You never made any effort to have the names of yourself or children put on the rolls out there? A Yes sir, I have.

Q Where? A Down in Simpson.; a man sent to me - that was three weeks ago to-day; when I come from Simpson he come after me to come down here, and he wanted me to give him half.

Q That has nothing to do with having your name put on the rolls out there in the Territory? A I thought you said had I ever had it put on the rolls up there.

Q You don't either understand, or you are not trying to answer the questions? A Because that's the only way I see --

Q Now, listen to me? A The Choctaw Indians out there in Indian Territory have to know just who belongs to their tribe; for that purpose they keep a list of the names of every person who belongs to the tribe; those lists are called tribal rolls. Now, what I want to know is whether your name is on any of those tribal rolls out there; do you know whether it is or not? A No sir, I don't know.

Q Do you know whether the names of any of these children are on the rolls out there? A No sir.

Becky Parthing, et al., 4.

Q Did you ever make application to the Choctaw tribal authorities out in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the tribe? A No sir.

Q Did you make application to this Commission in the year 1896, for citizenship in the Choctaw Nation for yourself or these children?

A No sir.

Q Then, this is the first application that has ever been made of any description for yourself or these children? A The first I have made, you know, only as I have said --

Q That has nothing to do with the Commission; that is some private individual.

Q Do you now make application before the Commission for the identification of yourself and children as Mississippi Choctaws, claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A What is that.

Q The 14th article of the treaty of Dancing Rabbit Creek; do you understand that; I want to know if you can understand that; do you know what the 14th article of the treaty of Dancing Rabbit Creek is?

A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi in the year 1830, seventy one years ago, nearly between the United States Government and the Choctaw tribe of Indians. The Choctaws at that time lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to get these Indians to move from this country out west of the Mississippi River, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time some of the Indians were unwilling to move from this country, and for the benefit of those preferring to remain here, the 14th article was put in there. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by section al lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You think you understand that without an explanation? A Yes sir, I think I do.

Q Did any of your ancestors -- you know what ancestors means -- old folks, fore-fathers. Did any of your ancestors ever comply or

Becky Farthing, et al., 5.

or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Q Did any of your ancestors ever receive any benefits under that article? A No sir.

Q What one of your Choctaw ancestors were living here in the old Choctaw Nation in Mississippi and Alabama, when this treaty was made? A You are talking about them that knows me?

Q I am talking about your people, your fore-fathers; what one of them was living here seventy one years ago? A None of them that I knows of.

Q There must have been some of your ancestors living at that time? A No sir, I don't know.

Q Were any of your ancestors recognized members of the Choctaw tribe here at that time- seventy one years ago? A Not as I knows of.

Q Were any of them recognized members of the tribe here at that time? A I don't know that either.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir, not as I knows of.

Q Did any of your ancestors, within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the agent of the Government their intention to remain here and become citizens of the States? A I don't know, sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not as I knows of.

Q Did any of them ever get any land under the provisions of any other article other than the 14th article, or under the supplement to that treaty? A No sir.

Q So far as you know, none of your ancestors ever got any land here in Mississippi from the Government of the United States? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here and become citizens of the States and take land under this treaty, in Mississippi.. The records of the Government show that that agent failed to record the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States, and on this account, the Government of the United States, at its public land sales here in Mississippi, in many instances sold land upon which Choctaw Indians had improvements, and which they supposed they would receive under this 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied with the provisions of article 14 of the

Becky Farthing, et al., 6.

treaty, but that their land had been sold by the Government.. This commission was duly appointed by the President, and the commissioners came down here to Mississippi and heard a great many of these cases, but in the time allowed them under the Acts of Congress under which they were appointed, the commissioners were unable to dispose of but comparatively a small number of cases, and further legislation became necessary, and Congress passed an Act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up hearing these Choctaw cases. This second commission was duly appointed by the President and the commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these commissions, and attempt to establish their rights under article 14 of the treaty? A No sir, not as I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this Act of Congress? A No sir.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

A And you ~~know~~ don't know the name of any one of your ancestors who was ever a recognized member of the Choctaw tribe of Indians? A No sir.

Q Have you any witnesses before the Commission now to testify in your case? A No sir.

Q Do you know of any one living who would likely be able to tell as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Yes sir, I can get plenty around where I am living.

Q You think you could get some of those people to come up here? A I don't know whether they would come -- you know the doctor that attended on father when he died; he lives in Delow.

Q How old a man is he? A I reckon he is about sixty years old.

Q He waited on your father at the time of his death? A Yes sir.

Q Do you think you could get him to come up here and testify? A I don't know sir.

This is a matter of a great deal of importance to you; the personal attendance of witnesses is preferable. If you want to submit their affidavits, you may do it, but the personal attendance would be preferable.

Becky Farthing, et al., 7.

A I could get him to write to you, wouldn't that do as well?

Q It would not do as well; some times the applicants carry their witnesses before a justice of the peace, a magistrate, and have their deposition taken, but they don't do as well as the personal attendance of the witnesses; the attendance of witnesses is much better.

A He is an old man, and I don't know whether he would come

Q Do you know any one else who would know whether your people ever complied with the provisions of article 14 of the treaty? A Yes sir, plenty right around where he is now.

Q Name some of them? A Red May and his wife, and there are a number of old persons; they all live there in the same little town that the other lives in.

Q

If you wish to bring any of these people before the Commission, or send them before the Commission to testify in your case, we will be glad to hear their testimony, and if you care to submit any evidence of any kind, any written evidence of any kind, you may send it here to us at Meridian in a reasonable time, and it will be accepted. We would like to have you get it here in thirty days if you can.

Q Are there any further statements you want to make? A No sir.

Q Have you any children over twenty one years of age? A Yes, sir, four.

Q What are their names? A John, Mary --

Q Is she married? A She has been married but her husband is dead.

What is her name? A Mary Berry.

Q The next one? A Martha Wansley.

Q The next one? A The same name that Mary bears? A What is her first name? A Lula.

Q Are these four children who are under age before the Commission to-day for the purpose of making application? A Yes sir, they are in the room now.

Q Are any of your brothers living? A Yes sir.

Q How many? A Three living.

Q What are their names? A One, Caesar Mangum; he has been here.

Q The next? A Ephram Mangum.

Q The next one? A Bick Mangum.

Q How many of them have been before the Commission? A Aint but two that is Ephram and Caesar; Nick lives up in the Mississippi bottom; I don't know whether he has ever been here or not.

Q Now are any of your sisters living? A No sir. There aint but one sister and me.

Q Did she have any children at the time of her death? A No sir.

Q Are there any children of any of your deceased brothers living? A Yes sir.

Q What are their names? A One of them - the oldest one is named William; is the oldest one.

Q He is dead? A Yes sir.

Q What are his children's names? A Minerva.

Q The next? A Gabe.

Q The next? A They call her Missy.

Q The next? A That's all.

Q That is all of your brother Handy's children? A Yes sir.

Becky Farthing, et al., 8.

- Q Now did you have any other brothers dead? A Yes sir, brother Billy
- Q Are any of Billy's children living? A I don't think he had any children.
- Q Are any other brothers dead? A No sir, aint narry other one.
- Q Now, did your father have any brothers? A Yes sir, he had one brother to my knowing.
- Q What was his name? A Millentahobbee. He died before my father died.
- Q Did you ever see him? A Yes sir, I have seen him.
- Q Was he a full blood Indian? A Yes sir.
- Q Wasn't he a slave? A No sir.
- Q Did he speak or understand Choctaw language? A Yes sir, they could just talk it betwixt them.
- Q Did your father's brother have any children? A No sir; he didn't have any children; just stayed with white folks like my pa did until he died.
- Q Did your father ever have any sisters? A I don't know sir, I reckon he did.
- Q Are there any further statements you care to make at this time?
- A No sir.
- Q You have no written evidence to offer? A No sir.

(This applicant ~~is~~ has the color and features and facial expression of a negro; her hair however is almost straight and long and black. She does not speak or understand the Choctaw language.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 24th day of August, 1901.

[Signature]

Notary Public.

J.F.W.
C.W.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Becky Farthing, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Becky Farthing, et al	M.C.R. 3337
Martha Wansley, et al	" 3338
Lula Wansley, et al	" 3339
John Farthing, et al	" 3340
Mary Berry, et al	" 3342

--! D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Becky Farthing for herself and her four minor children, Cora,
Gracie, Henry and Laura Farthing; by Martha Wansley for herself and
her four minor children, Rosa, Walter, Gus and Wade Wansley; by
Lula Wansley for herself and her three minor children, Beanie, Lula
and Hugh Wansley; by John Farthing for himself, his wife, Serena
Farthing, and his minor child, Fred Douglas Farthing; and by Mary
Berry for herself and her two minor children, Tommy and Pearl
Berry, under the following provision of the act of Congress approved
June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants except Serena Parthing, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Becky, who is alleged to have been a Choctaw Indian, degree of blood not stated; that the applicant Serena Parthing claims said rights by reason of being a descendant of Bettie Cannon, who is alleged to have been a half blood Choctaw Indian, and that her minor child herein applied for claims said rights by reason of being a descendant of both the said Becky and Bettie Cannon.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It appears from the records in the possession of the Commission that one Becky received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek", but there

is nothing in the testimony of the applicants which would tend to show that the Becky who received such scrip is the identical Becky through whom they claim.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Becky through whom these applicants claim, or a less remote ancestor, or Bettie Cannon signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Becky Farthing, Cera Farthing, Gracie Farthing, Henry Farthing, Laura Farthing, Martha Wansley, Rosa Wansley, Walter Wansley, Gus Wansley, Wade Wansley, Lula Wansley, Bessie Wansley, Eula Wansley, Hugh Wansley, John Farthing, Serena Farthing, Fred Douglas Farthing, Mary Berry, Tommy Berry and Pearlle Berry as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

applications for their identification as such should be refused,
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

James Bixby.
Acting Chairman

(SIGNED)

T. B. Needles.
Commissioner

(SIGNED)

C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory

APR 9 1903

COPY.

Muskegee, Indian Territory, April 9, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Becky Farthing, et al., embracing the following applications for identification as Mississippi Choctaws:

Becky Farthing, et al.,	M.C.R. 3337
Martha Wansley, et al.,	" 3338
Lula Wansley, et al.,	" 3339
John Farthing, et al.,	" 3340
Mary Berry, et al.,	" 3342.

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Becky Farthing, Cora Farthing, Gracie Farthing, Henry Farthing, Laura Farthing, Martha Wansley, Rosa Wansley, Walter Wansley, Gus Wansley, Wade Wansley, Lula Wansley, Bessie Wansley, Lula Wansley, Hugh Wansley, John Farthing, Serena Farthing, Fred Douglas Farthing, Mary Berry, Tommy Berry and Pearlle Berry as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. ...
Chairman.

COPY.

M.C.R.3337.

Muskogee, Indian Territory, April 9, 1903.

Becky Farthing,

Florence, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Becky Farthing, et al., embracing the following applications for identification as Mississippi Choctaws:

Becky Farthing, et al.,	M.C.R.3337
Martha Vansley, et al.,	" 3338
Lula Vansley, et al.,	" 3339
John Farthing, et al.,	" 3340
Mary Berry, et al.,	" 3342

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of the Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

of Becky Farthing, Gera Farthing, Gracie Farthing, Henry Farthing, Laura Farthing, Martha Wansley, Rosa Wansley, Walter Wansley, Gus Wansley, Wade Wansley, Lula Wansley, Bessie Wansley, Bula Wansley, Hugh Wansley, John Farthing, Serena Farthing, Fred Douglas Farthing, Mary Berry, Tommy Berry and Pearlle Berry as Choc Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

(COPY)

Muskogee, Indian Territory, April 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Becky Farthing, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 9, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Becky Farthing, et al.,	M.C.R. 3337,
Martha Vansley, et al.,	M.C.R. 3338,
Lula Vansley, et al.,	M.C.R. 3339,
John Farthing, et al.,	M.C.R. 3340,
Mary Berry, et al.,	M.C.R. 3342.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Ephraim Mangin, et al., decision in which was rendered by the Commission on April 15, 1902, and approved by the Secretary on May 29, 1902.

Through the Commissioner of Indian Affairs. Respectfully,

2 enclosures M.C.R. 3337.

(Signed)

TANE BIXBY,

Chairman.

D.C.24354.
ITD.5680-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON

August 28, 1903.

WCF.
EAF.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

April 25, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Becky Farthing and her minor children, Cora, Gracie, Henry and Laura Farthing; of Martha Wansley and her minor children, Rosa, Walter, Gus and Wade Wansley; of Lula Wansley and her minor children, Bessie, Lula and Hugh Wansley; of John Farthing, his wife, Serena Farthing, and his minor child Fred Douglas Farthing; of Mary Berry and her minor children, Tommy and Pearlle Berry. You refused the applications April 9, 1903.

The applicants base their claim to a right to identification as Mississippi Choctaw Indians on their descent from Becky, who is alleged to have been a Choctaw Indian—degree of blood not stated—and Bettie Cannon, who is alleged to have a one half blood Choctaw Indian.

The evidence furnished by the record fails to show that either of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting July, 16, 1903, the Commissioner of Indian Affairs states that the records of the Indian Office show that there was a Becka or Becky, a full blood Choctaw woman, who had two children, as follows: Me-han-to-tubbae, five years old at date of treaty, and

who died about 1840; and Con-con-te-ma-he-nah, under ten years of age at date of treaty; also that a Choctaw woman named Ow-wah-te-ah, had a granddaughter at the date of the treaty named Becky, who was three years old at that time. He recommends that your decision respecting the applicants be approved, for the reason that it does not appear from the records of the Indian Office that Billy Mangum, father of the principal applicant, Becky Farthing and through whom she claims, is the son of either of the Beckys whose names appear upon said records.

Comparing the evidence furnished by the record in the case with that furnished by the records of the Indian Office, the Department is of the opinion that the persons by the name of Becy, whose names appear upon the records of the Indian Office, could have been identical with the ancestors through whom the applicants claim. Your decision is therefore affirmed.

Inclosed is a copy of the Commissioner's report.

Respectfully,

E.A. Hitchcock
Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR,

Land
27655-1903.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,
July, 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Macky Farthing, for the identification of herself and her four minor children, Cora, Gracie, Henry and Laura Farthing; of Martha Wansley, for herself and her four minor children, Rosa, Walter, Gus and Wade Wansley; of Lula Wansley, for herself and her three minor children, Bessie, Lula, and Hugh Wansley; of John Farthing for himself and his wife, Serena Farthing, and his minor child, Fred Douglas Farthing, and of Mary Berry, for the identification of herself and her two minor children, Tommy and Pearlle Berry, all as Mississippi Choctaws.

On April 9, 1903, the Commission rendered a decision in this case, finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of the

fourteenth article of the Choctaw treaty of 1830, and that their application therefor should be refused.

An examination of the record evidence shows that all of said applicants, except Serena Farthing, claim their rights in the Choctaw lands under article fourteen of said treaty, by reason of being descendants of one Becky, who is alleged to have been a Choctaw Indian, degree of blood not stated, and that the said Serena Farthing claims her right to share in said lands by reason of her being a descendant of Bettie Cannon, who is alleged to have been a half blood Choctaw Indian, and that her minor child herein claims the right to share in said lands by reason of descent from both the said Becky and Bettie Cannon.

There is no evidence submitted in the record which in any way tends to establish the fact that either the said Becky or Bettie Cannon ever complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or secured a patent for land, or scrip in lieu thereof, thereunder.

An examination of the records of this office shows that there was a Becka or Becky, a full blood Choctaw woman, who had two children as follows: (1) Me-han-to, Tubbee, five years

old at date of treaty, and who died about 1840, (2) Con-
con-te-ma-ho-nah, under ten years of age at date of treaty,.

The office records further show that a Choctaw woman
named Gw-wah-te-ah, had a granddaughter at date of treaty
named Becky, who was about three years old at that time.

It does not appear from the above matters of record
in this office that Billy Mangum, father of the principal
applicant, Becky Parthing, and through whom she claims, is
the son of either of said Beckys, but it does appear that
the first Becky had no son by that name, and that if the
said Billy Mangum was as old as witness says he is, it is
not possible that he could have been the son of the other
Becky, who was only about three years old at the date of
the treaty.

There being nothing in the record evidence showing that
any of the ancestors of these applicants ever complied or
attempted to comply with the provisions of the fourteenth
article of the Choctaw treaty of 1830, and there being no
office evidence other than that above set out, the office
concludes that said decision of the Commission is correct,
and recommends that it be approved by the Department.

Very Respectfully,

WCB. + O.

W.A. Jones,
Commissioner.

COPY.

M.C.R. 3337.

Washoe, Indian Territory, September 12, 1903.

Mansfield, McMurray and Gornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th, day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Becky Farthing et al., of which decision you were advised by mail on the 9th, day of April, 1903.

Respectfully,

(SIGNED)

Irene Dixby
Chairman.

M.C.R.3337.

COPY.

Muskogee, Indian Territory, September 12, 1903.

Becky Farthing,
Florence, Mississippi.

Dear Madam:

You are hereby notified that on the 28th, day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Becky Farthing et al., of which decision you were advised by registered mail on the 9th, day of April, 1903.

Respectfully,

(SIG. LD)

James Bixby.
Chairman.

REFER TO M.C.R.

1183

— Supplemental

Supplemental to Ephraim Mangum
 mer 1183: approved May 29-02.

Becky

Billy Mangum (fl)
 ↓ or Billy Mahoby dead

↓

Minerva Mangum
 slave (dead)

mer
 3337

Becky Mangum 50-1/2
 (or Rebecca ") slave

Dave Farthing
 (slave) (neg + Ind)

Nick Mangum

Handy or William Mangum
 (had 3 children, Labe,
 Minerva + Macey Mangum)

mer
 3337

Cora Farthing 17

Gracie " 15

Henry " 14

Laura " 12

mer
 3340

John Farthings 31-1/4

mar

+ Serena Cannon 21-1/4

+ her father was Henry Cannon, a slave
 her mother this whom he claims was Bettie Cannon's slave + neg.
 wife is a sister of Seminder Lane. see mer 3341

mer
 3342

Mary Farthing 28-1/4

mar

Pleas. Berry
 neg (dead)

mer
 3338

Martha Farthing 25-1/4
 (34 neg) (on FARLING)

mar

Luther Wansley
 (1/2 mulatto)

mer
 3339

Lula Farthing 22-1/4
 (on FARLING)

mar

Ed Wansley
 (or Edward) (w + r)

mer
 3340

Fred Douglas Farthing 3

mer
 3342

Tommy Berry 9

Pearlie Berry 6

mer
 3336

Rosa Wansley 7

Walter " 5

Isus " 3

Wade " 3 m

mer
 3339

Bessie Wansley 3

Eula " 2

Hugh " 4 m

3337 for that Millantahobles
 was Billy Mangum

For Identification as a Mississippi Choctaw.

Date AUG 1901
Name Becky Farthing
Age 50 Blood $\frac{1}{2}$
Post Office Florence Miss
Father: Billy Mangum d
Mother: Minerva " d

Claims through father
Husband David Farthing d
(no claim for husband)

Children:
Gora Farthing 17
Gracie " 15
Henry " 14
Laura " 12

(Claims for self and 4
minor children)

Stenographer R. S. Street

Choctaw MCR 3338

Martha Wansley

See MCR 3337

Supplemental to 1138

MCR 3338

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 23, 1901.

In the matter of the application of Martha Wansley for the identification of herself and four minor children as Mississippi Choctaws.

Martha Wansley, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Martha Wansley.
Q How old are you? A Twenty five years old.
Q What is your post office address? A Cleary.
Q What county? A Rankin.
Q How long have you lived in Rankin County, Mississippi? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Dave Farthing.
Q Is your mother living? A Yes sir; that was my mother.
Q What is her name? A Rebecca Farthing.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q How old is your mother? A I don't know sir.
Q About how old is she? A I reckon she is about fifty; somewhere's along there.
Q She has been before the Commission prior to your appearance? A Yes sir.
Q How much Choctaw blood do you claim to have? A A quarter.
Q What is the other three quarters? A I don't know sir.
Q How do you know what it is; what is it? A 3/4 nigger.
Q Your mother was a slave, was she not? A Yes sir.
Q Your mother a slave? A Yes sir.
Q Has your mother always lived in Mississippi? A Yes sir, she has always lived here in Mississippi.
Q Through which one of her parents did she derive her Choctaw blood? A Father.
Q What was his name? A Billy Mangum.
Q Do you remember him? A No sir; just what she told me his name was.
Q How much Choctaw blood do you think Billy Mangum had? A Said he was a whole Indian.
Q You know nothing as to his Indian blood, except what your mother has told you? A No sir.
Q Do you know where he lived during his life time? A They lived in Simpson County, then.
Q Mississippi? A Yes sir.
Q Do you know how old your grand father would be if he were living now? A No sir.
Q Do you know the names of either of his parents? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Luther Wansley.
Q Has he any Choctaw blood? A No sir.

Martha Wansley, et al., 2.

- Q What is he? A He is half mulatto.
Q You make no claim for him? A No sir.
Q Have you ever been to the Indian Territory? A No sir.
Q Was your mother ever out there? A No sir.
Q Have you any children? A Yes sir, I have four.
Q What are their names and ages? A Rosa Wansley.
Q How old is Rosa? A Seven years old.
Q The next one? A Walter.
Q How old is Walter? A Five years old.
Q The next one? A Gus.
Q How old? A Three.
Q The next? A Baby is three months old.
Q What is the baby's name? A Wade.
Q A boy isn't it? A Yes sir.
Q All boys but the oldest? A Yes sir.
Q These children are all living with you at this time? A Yes sir.
Q Are they all four the children of yourself and Luther Wansley? A Yes sir.
Q This application then is for yourself and four minor children?
A Yes sir.
Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these minor children to be admitted or enrolled as members of the tribe? A No sir.
Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
A No sir.
Q Is this the first application of any description that has ever been made for you or any of these children? A Yes sir.
Q You now desire to make application for the identification of yourself and and four minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of Article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians, that you will know is about seventy one years ago. The Choctaws at the time this treaty was made were living here in Mississippi and over in the western edge of Alabama. The object of the treaty was to get these Indians to move out west of the Mississippi to a new country,; some of the Choctaw Indians, however, did not want to go out there, but preferred to stay here in Mississippi, and for the benefit of those desiring to stay here, the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying to the agent their intention within six months from the ratification of this treaty, and he

Martha Wansley, et al., 3.

or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to be come citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity

- Q Do you understand that now? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article? A No sir.
- Q Not that you know of? A No sir, not that I knows of.
- Q What one of your ancestors was living here in Mississippi in 1830, when this treaty was made, seventy one years ago? A I don't know sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe here at that time? A No sir, I don't know.
- Q Do you know whether any of your ancestors owned an improvement here at that time? A I don't know.
- Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir.
- Q Did any of your ancestors, within six months from the time this treaty was ratified, signify to the Agent of the Indians here in Mississippi, their intention to remain here and become citizens of the States? A No sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi under the provisions of article 13 of the treaty of Dancing Rabbit Creek? A Not as I knows of.
- Q Did any of them ever receive any land under the provisions of any other article of that treaty, or under the supplement to that treaty? A Not that I knows of.
- Q So far as you know, none of your ancestors ever received any land whatever from the Government of the United States, here in Mississippi? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain and become citizens of the States and take land here in Mississippi. The records of the Government show that that agent failed to record the names of many Indians who did in fact signify to him their intention to remain and become citizens of the States; and on this account, in many instances, land upon which Indians lived and had improvements, and which they supposed would be received

Martha Wansley, et al., 4.

by them of the Government under this 14th article, was sold by the Government. This action of the Government in selling their land upon which the Indians lived caused a great deal of complaint among them, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the applications of Choctaws who claimed that they had complied in all respects with the provisions of Article 14 of the treaty, but that their land had been sold by the Government. This commission was duly appointed by the President, and the commissioners came down here to Mississippi and heard a great many of these Choctaw cases, but in the time allowed them by the Acts of Congress under which they were appointed, they were unable to dispose of all of them, and further legislation became necessary; and another Act of Congress was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This second commission was duly appointed by the President, and the commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty?
A No sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the Mississippi, or in Louisiana, Alabama or Arkansas, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip under the Act of Congress approved August 23, 1842? A No sir, not that I know of.

Q So far as you know, then, none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q And you don't know of any of them that were recognized members of the Choctaw tribe, do you? A No sir.

Q Do you know of any one living who would be likely to know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.

Q You don't know any old person who would know about that? A No sir.

Q Have you any witnesses before the Commission here to-day? A My mother.

Q Have you any written evidence to offer? A No.

Q Affidavits, statements or papers of any kind? A No sir, no more than what they wrote -- the Dawes Commission.

Q A letter you mean? A Yes sir.

Q Who wrote it? A Mr. Stubbs.

Q That is simply a letter he wrote here to get some blanks? A Yes

Martha Wansley, et al., 5.

Q
sir.

Q That is not what I refer to; I mean affidavits or statements?
A No sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of this application. We will be glad to have you file it in thirty days, however, if you see fit to offer any. If you care to either bring or send any witnesses before the Commission in support of your application, they may be sent here to Meridian in a reasonable time, and their testimony will be taken in your case.

Q Are there any further statements you want to make? A No sir.
Q Have you any brothers or sisters over twenty one years of age?
A Yes sir.
Q How many? A Three.
Q What are their names? A Mary Berry, John Farthing and Lula Wansley.
Q They are here in the court room at this time, are they? A Yes sir.
Q Have you any brothers and sisters under age? A Four.
Q What are their names? A Laura, Henry, Cora and Gracie,

(This applicant has the features and facial expressions of a negro. From her hair and color, it is possible that she might be possessed of a small proportion of Indian blood. She does not speak or understand the Choctaw language.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of August, 1901.



Notary Public.

COPY.

M.C.R.3338

Muskogee, Indian Territory, April 9, 1903.

Martha Wansley,

Cleary, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Becky Farthing, et al., embracing the following applications for identification as Mississippi Choctaws:

Becky Farthing, et al.	M.C.R.3337
Martha Wansley, et al.,	" 3338
Lula Wansley, et al.,	" 3339
John Farthing, et al.,	" 3340
Mary Berry, et al.,	" 3342

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Becky Farthing, Cora Farthing, Gracie Farthing, Henry Farthing, Laura Farthing, Martha Wansley, Rosa Wansley, Walter Wansley, Gus Wansley, Wade Wansley, Lula Wansley, Bessie Wansley, Lula Wansley, Hugh Wansley, John Farthing, Serena Farthing, Fred Douglas Farthing, Mary Berry, Tommy Berry and Pearlle Berry as Choctaw Indians."

entitled to rights in the Custer lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixey.
Chairman.

Registered.

COPY.

M.C.R. 3138.

Wahkago, Indian Territory, September 12, 1903.

Martha Wansley,

Cleary, Mississippi.

Dear Madam:

You are hereby notified that on the 28th, day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Becky Farthing et al., of which decision you were advised by registered mail on the 9th, day of April, 1903.

Respectfully,

(SIGNED)

Lamo Bixby.

Chairman.

#1326

No. 3238

For Identification as a Mississippi Choctaw.

Date AUG 23 1901

Name Martha Wansley

Age 25

Blood 1/4

Post Office, Cleary, Miss.

Father: David Farthing L

Mother: Rebecca "

L

Claims through mother

husband Luther Wansley L.
(no claim for husband)

Children:

Rosa Wansley

7

Halter

"

5

Gus

"

3

Wade

.

3^{ms}(Claims for self and 4
minor children)

Stenographer

R. Streir

Choctaw MCR 3339

Lula Wansley

See MCR 3337

Supplemental to 1138

MCR 3339

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 23, 1901.

In the matter of the application of Lula Wansley for the identification of herself and three minor children as Mississippi Choctaws.

Lula Wansley, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lula Wansley.
Q How old are you? A Twenty two.
Q What is your post office address? A Cleary, Mississippi.
Q What county? A Rankin County.
Q How long have you lived in Rankin County? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Dave Farthing.
Q Is your mother living? A Yes sir.
Q What is her name? A Rebecca Farthing.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim to have? A 1/4 I guess.
Q How old is your mother? A I guess she is about fifty.
Q Where does she live? A She lives in Rankin County, Mississippi.
Q How long has she lived there? A I don't know; I guess about thirty years; I think she has.
Q Has she always lived in this State? A No sir; she lived in Simpson before she moved to Rankin.
Q Simpson County, Mississippi, you mean? A Yes sir.
Q She has always lived in the State of Mississippi? A Yes sir.
Q You claim she is a half blood? A Yes sir.
Q Now, through which one of her parents did she derive her Choctaw blood? A Her father.
Q What was his name? A Billy Mangum.
Q Your mother was a slave, wasn't she? A Yes sir.
Q And your father? A Yes sir.
Q Was Billy Mangum a slave? A No sir.
Q When did he die? A I don't know sir, when he died.
Q Do you know the name of your mother's mother? A Yes sir.
Q What was it? A Minerva.
Q Did you ever see her? A Yes sir, I have seen her.
Q She was a slave? A Yes sir.
Q And had no Choctaw blood? A Not as I know of.
Q Do you know whether she was married to your mother's father or not? A I don't know sir, whether she was or not.
Q You don't know anything about that? A No sir.
Q Did you ever go to Indian Territory? A No sir.
Q Has your mother ever been there? A No sir.
Q Does your mother speak or understand the Choctaw language? A I don't think she does.
Q Do you? A No sir.
Q Did your mother's father? A They said he did; they told me he talked it.

Lula Wansley, et al., 2.

- Q Are you married? A Yes sir.
Q What is your husband's name? A Ed Wansley.
Q Is he living? A Yes sir, he is living.
Q Has he any Choctaw blood? A They say so.
Q Can you swear to it? A No sir, I couldn't.
Q You make no claim for him? A No sir, none at all.
Q What is he? A Well, his father was a white man.
Q What was his mother? A I don't know sir, what his mother was.
Q Slave? A Yes sir.
Q Negro then? A Yes sir, she was negro.
Q How many children have you? A Three.
Q What are their names and ages? A Bessie, three years old.
Q The next? A Eula, two years old.
Q The next? A Babby - Hugh.
Q Is that a boy or girl? A Boy, four months old.
Q That all of your children? A Yes sir.
Q These three children live with you now? A Yes sir.
Q Are they all three the children of yourself and Ed Wansley?
A Yes sir.
Q This application then is for yourself and three minor children?
A Yes sir.
Q Is your name on the Choctaw tribal rolls out in Indian Territory? A I don't know sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of the Choctaw tribe? A No sir.
Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
A No sir.
Q Is this the first application of any description that has ever been made for any of you? A Yes sir.
Q Do you now desire to make application for the identification of yourself and three minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?
A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, seventy one years ago, nearly, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to secure the removal of the Choctaws to a new country west of the Mississippi River, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. Some of the Choctaws here at that time were unwilling to move out west of the Mississippi to the new country, but they insisted on remaining here. And for the benefit of those who were determined to stay here the 14th article was put in the treaty. That 14th article is as follows:

Lula Wansley, et al., 3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying their intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A Yes sir, I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article? A I don't know sir.
- Q What one of your ancestors was living down here in the old Choctaw Nation in 1830, when this treaty was made? A I don't know, sir.
- Q Did any of your Choctaw ancestors own an improvement here at that time? A I don't know, sir, whether they did or not.
- Q Were any of ~~you~~ them recognized members of the Choctaw tribe here at that time? A I don't know sir, whether they was or not.
- Q Did any of your ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No sir, I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the Agent of the Government here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know sir, whether they did or not.
- Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did any of them ever claim or receive any land from the Government here in Mississippi, under the provisions of any other article than the 14th article, or under the supplement to the treaty? A No sir, I don't know.
- Q So far as you know, did any of your ancestors ever claim any land here in Mississippi from the Government of the United States? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here and become citizens of the States. That was seventy years ago, you know. The records of the Government show that that agent called to record the names of

Lula Wansley, et al., 4.

many Indians who did, in fact, signify to him their intention to remain in Mississippi and become citizens of the States, and on account of his failure to register these names and report the matter to the Government, the Government at its public land sales here in Mississippi frequently sold pieces of land upon which Indians lived and had improvements; and the Indians supposed, of course, that they would get this land under the 14th article of the treaty. The action of the Government in selling the land caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the applications of Indians who claimed that they complied in all respects with the provisions of article 14 of the treaty, but that their land had been sold by the Government, and taken away from them. This commission was duly appointed by the President, and the commissioners came down here to Mississippi and heard some of these Choctaw cases, but in the time allowed them Commissioners under the Acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases, and further legislation, therefore, became necessary, and Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to finish up the hearing of these Choctaw cases; that second commission was appointed by the President, and the commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article fourteen of the treaty? A I don't know sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied in all respects with the provisions of article 14 of the treaty, and his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or in Alabama, or Louisiana or Arkansas, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this Act of Congress? A I don't know sir whether they did or not.

Q So far as you know, then, none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q

Lula Wansley, et al., 5.

Q And you don't know of any of your ancestors who were recognized members of the tribe at that time? A No sir.

Q Do you know any one living - any old persons - who might know as to whether any of your ancestors ever complied or attempted to comply with this treaty, or ever received any benefits thereunder? A Yes, I guess so.

Q Who would likely know about that? A Well, I guess any of the old people around where she lives ~~she~~ would know.

Q Where you live? A Yes sir.

Q You know this happened seventy years ago? A Well, I know none of them know it.

Q Have you any witnesses here to-day? A No sir. No more than what is here now.

Q Have you any written evidence of any kind to offer? A No sir.

Q If you find any witnesses who are familiar with your family history, the amount of Choctaw blood you have, and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty, or ever received any benefits thereunder, and you care to have them come before the Commission, they may be either sent or brought here by you, and we will take their testimony, if they come here within a reasonable time. If you see fit to submit any written evidence, that may also be submitted in a reasonable time, and it will be considered with the application. We should like to have you file such written evidence as you may see fit to file, in thirty days from now, if you can.

Q Have you any brothers over twenty one years of age living? A One

Q What is his name? A John Farthing.

Q He is before the Commission to-day, is he not? A Yes sir.

Q Have you any sisters over twenty one? A Yes sir, these two back there.

Q What are their names? A Martha Wansley and Mary Berry.

Q Have they both been before the Commission to-day? A Yes sir.

Q Has your mother been before the Commission to-day? A Yes sir.

Q Have you any minor brothers and sisters? A Four, yes sir.

Q How many? A Four.

Q What are their names? A Cora.

Q The next? A Gracie.

Q The next? A Henry.

Q The next? A Laura.

Q Are there any further statements you want to make? A No sir.

(This applicant has the facial expression and features of a negro. She does not speak or understand the Choctaw language. It is evident that the negro blood predominates; her hair and complexion would indicate that she was possibly possessed of either white or Indian blood.)

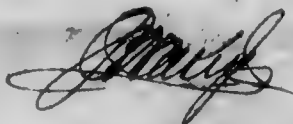
S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

Lula Wansley, et al., v.

Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. L. Strick

Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of August, 1901.



Notary Public.

M.C.R. 3339

COPY.

Muskogee, Indian Territory, April 9, 1903.

Lula Wansley,

Cleary, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Becky Farthing, et al., embracing the following applications for identification as Mississippi Choctaws:

Becky Farthing, et al.	M.C.R. 3337
Martha Wansley, et al.,	" 3338
Lula Wansley, et al.,	" 3339
John Farthington, et al.,	" 3340
Mary Berry, et al.	" 3342

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior;

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Becky Farthing, Cora Farthing, Gracie Farthing, Henry Farthing, Laura Farthing, Martha Wansley, Rosa Wansley, Walter Wansley, Gus Wansley, Wade Wansley, Lula Wansley, Bessie Wansley, Lula Wansley, Hugh Wansley, John Farthing, Serena Farthing, Fred Douglas Farthing, Mary Berry, Tommy Berry and Pearlle Berry as Choctaw Indians on-

titled to rights in the Chertaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

Registered.

M.C.R.3339.

COPY.

Muskogee, Indian Territory, September 12, 1903.

Lula Vansley,

Cleary, Mississippi.

Dear Madam:

You are hereby notified that on the 28th, day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Becky Farthing et al., of which decision you were advised by registered mail on the 9th, day of April, 1903.

Respectfully,

Chairman.

#1327

No. 3239

For Identification as a Mississippi Choctaw.

Date AUG 23 1901

Name *Lula Wansley*

Age 22 Blood $\frac{1}{4}$

Post Office, *Clary, Miss.*

Father: *Laws Farthing* L.

Mother: *Rebecca* " L.

Claims through Mother
Husband *Ed Wansley* L.
(No claim for husband)

Children:

Bessie Wansley 3

Eula " 2

Hugh " 4 mo

(Claims for self and 3

minor children)

Stenographer

R S Streit

Choctaw MCR 3340

John Farthing

See MCR 3337

Supplemental to 1138

MCR 3340

Max 3340

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi/August 23, 1901.

In the matter of the application of John Farthing for the identification of himself, his wife and one minor child as Mississippi Choctaws.

John Farthing, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A John Farthing.
Q What is your age? A Thirty one.
Q What is your post office address? A Florence, Rankin county, Mississippi.
Q How long have you lived in Rankin county? A All my life.
Q Born there? A Yes sir.
Q What is your father's name? A Dave Farthing.
Q Is he living or dead? A He is living.
Q He never has been before the Commission? A No sir.
Q What is your mother's name? A Becky Farthing.
Q She is living? A Yes sir.
Q She appeared before the Commission today? A Yes sir.
Q Do you want to have her testimony when yours is considered, and made a part of your application? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A Through my mother.
Q How much Choctaw blood do you claim? A One quarter I suppose.
Q What is your father's blood? A He is anegro.
Q Was he a slave before the war? A Yes sir.
Q What is your mother's blood? A Her father was an Indian and her mother was a negro; she is one half Choctaw.
Q And what is the other half? A Negro.
Q She was a slave before the war? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Serena Farthing.
Q What is her blood? A She is a sister to Leminder Lane who appeared here today?
Q Do you claim one fourth Choctaw blood for your wife? A Yes sir.
Q And you want to make application for her? A Yes sir.
Q How old is your wife? A Twenty one years old.
Q Does she look as much like a Choctaw Indian as her sister, Leminder Lane? A Her hair is not quite so long.
Q What is your wife's father's name? A Henry Cannon.
Q Is he living? A No sir.
Q What was his blood? A I don't know.
Q What was your wife's mother's name? A Bettie Cannon.
Q Is she living? A Yes sir.
Q How much Choctaw blood did Bettie have? A I don't know sir exactly.
Q Through which one of her parents does your wife claim Choctaw blood?
A Her mother.

John Parthing-----2.

- Q How much Choctaw blood did Serena's mother have? A I don't know exactly. I have always heard that she had one half Choctaw blood.
- Q And one half negro? A Yes sir.
- Q Were Henry Cannon and Bettie Cannon slaves before the war? A Yes sir.
- Q Do you know whether they were married under a license? A No sir, I don't know.
- Q They were both slaves at that time? A Yes sir.
- Q And you don't know anything about that? A No sir, that was before I was born.
- Q Have you children you want to make application for? A I have one.
- Q What is his name? A Fred Douglas Parthing.
- Q How old is he? A Three years old.
- Q When and where were you married to Serena? A I was married to her three years ago in Rankin County.
- Q Do you remember the date of your marriage? A No sir.
- Q Were you married by a minister and under a license? A Yes sir.
- Q Is your name or the name of your wife or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Did you or any one for you or for your wife or child make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or any one for you or for your wife make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you, your wife and child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this for yourself your wife or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and child under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of pancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, ~~some~~ of the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to the Choctaw Nation in Indian Territory. At the time this treaty was made, some of the Choctaws refused to go to the Indians Territory, preferring to stay in Mississippi, and take land there and become citizens of the states. In order to protect the rights of these people article fourteen was inserted into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the

John Farthing-----3.

states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors or your wife's Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Were any of your Choctaw ancestors or any of your wife's Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A I don't know.
- Q Did any of your ancestors or your wife's Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians living in Mississippi that they intended to stay in Mississippi, and take land and become citizens of the states? A No sir, I don't know.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Choctaw Indians between 1833 and 1838? A I don't know sir, whether they did or not.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors ever receive or claim any land in Mississippi under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors ever receive any benefits under article fourteen of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q You claim your Choctaw blood through your mother? A Yes sir.
- Q Through whom does she claim? A Her father.
- Q What was his name? A Billy Mangum.
- Q Was he a full blood, a half blood or what? A Full blood, so they say.
- Q Who says so? A She says so.
- Q Who is she? A My mother.
- Q Does anybody else say so in your family besides your mother? A Yes, my father knew her father.
- Q Is he living? A Yes sir.
- Q Did you ever see Billy Mangum? A Yes sir.

John Farthing-----4.

- Q Have you any proof that he was a full blood Choctaw Indian except what they told you in the family? A No sir.
- Q Have you any documentary evidence of that fact that you want to introduce now? A No sir.
- Q Do you know of any person or persons who would be likely to know anything about your grandfather--your mother's father--being possessed of Choctaw blood? A Yes sir.
- Q Have you those persons or the statements of those persons ready to present before the Commission? A No sir. We had them on paper and left them at home.
- Q You can introduce them later? A Yes sir.
- Q What do you know about your wife being descended from Choctaw ancestors? A I don't know anything about it except what she says.
- Q She claims through her mother Bettie? A Yes sir.
- Q And you claim Bettie was a half Blood Choctaw? A Yes.
- Q And in this application which you make for your wife you depend upon the statements made by Lamander Lane her sister which she made in her application here today? A Yes sir.
- Q And do you want her testimony considered when your wife's application is considered? A Yes sir.
- Q You know nothing further about it? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830, the government directed the United States Indian Agent who lived in Mississippi in 1830 to make a list of all Choctaw Indians who claimed rights under article fourteen of the treaty of 1830 and who were to declare their intentions under that article within six months from the ratification of the treaty of 1830. The records of the government show that a great many Choctaw Indians who did thus declare their intentions before the United States Indian Agent ~~xxxx~~ within the time as limited by article fourteen, failed to have their names placed upon Ward's Register. As a result of this failure, a great many Choctaw Indians who lived in Mississippi and had improvements on land, had their lands taken away from them and sold by the government at its public land sales. Many complaints were made on the part of the Choctaw Indians, and as a result of these complaints, a Commission was appointed by act of Congress approved March 3, 1837, the duty of which Commission was to go to the state of Mississippi and pass upon the claims of Choctaws who came before it and who said they had complied with article fourteen of the treaty of 1830. In 1842, another Commission was appointed for a similar purpose.

- Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, and that a certificate to that effect should be issued to him; these certificates were called scrip.

John Farthing-----5.

Q Did any of your ancestors ever receive such scrip, or did any of your wife's ancestors ever receive such scrip, from the government under this act of Congress? A I don't know.

Q So far as you know were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw tribe of Indians in 1830? A No sir.

Q So far as you know did any of your ancestors or your wife's ancestors ever receive any benefits whatever as Choctaw Indians? A No, sir.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application as you may see fit. If you should see fit to bring or send witnesses before the Commission within a reasonable time at Meridian, we will hear their testimony.

Q Are there any further statements you would like to make? A No, sir.

This applicant appears to be descended from negro parentage. If he shows any trace of Indian blood it is in his hair, which is not as curly as in most full blood negroes. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of August 1901 and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of September, 1901.

[Signature]

Notary Public.

M.C.R 3340.

OOPV

Muskogee, Indian Territory, April 9, 1903.

John Farthing,

Florence, Mississippi.

Dear Sir:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Becky Farthing, et al., embracing the following applications for identification as Mississippi Choctaws:

Becky Farthing, et al.,	M.C.R. 3337
Martha Wansley, et al.	" 3338
Lula Wansley, et al.,	" 3339
John Farthing, et al.,	" 3340
Mary Berry, et al.,	" 3342.

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Becky Farthing, Cora Farthing, Gracie Farthing, Henry Farthing, Laura Farthing, Martha Wansley, Rosa Wansley, Walter Wansley, Gus Wansley, Wade Wansley, Lula Wansley, Bessie Wansley, Lula Wansley, Hugh Wansley, John Farthing, Serena Farthing, Fred Douglas Farthing, Mary Berry, Tommy Berry and Pearlle Berry as Choctaw Indians

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Iamc Dancy.
Chairman.

Registered.

M.C.R. 3340.

COPY.

Washago, Indian Territory, September 12, 1903.

John Farthing,

Vernon, Mississippi.

Dear Sir:

You are hereby notified that on the 28th, day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Becky Farthing et al. of which decision you were advised by registered mail on the 9th, day of April 1903.

Respectfully,

(S. D.)
James Dixie
Chairman.

#1328

No. 3330

For Identification as a Mississippi Choctaw.

Date

AUG 23 1901

Name John Farthing

Age 31

Blood 1/4

Post Office, Florence, Miss.

Father: Dave Farthing ^{negro, slave} l.

Mother: Becky ^{1/2 choctaw, 1/2 neg.} " slave. l

Claims through mother

wife - Serena " 1/4 choctaw. 21.

father - Henry Cannon " neg. d

mother - Bettie " 1/2 choctaw, 1/2 neg. l

Claims for wife -

Children:

Fred Douglass Farthing 3.

Claims for self
wife and child

Stenographer H.C. Ristrin

Choctaw MCR 3341

Leminder Lane

MCR 3341

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Leminder Lane for
identification as a Mississippi Choctaw, M.C.R. 3341.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Leminder Lane, M.C.R. 3341.

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Decision of the Commission refusing the appli- cation of Leminder Lane for identification as a Missis- sipi Choctaw.....	3

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 23, 1901.

In the matter of the application of Leminder Lane for identification as a Mississippi Choctaw.

Leminder Lane, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Leminder Lane.
Q What is your age? A Thirty one.
Q What is your post office address? A Florence.
Q Mississippi? A Yes sir.
Q In what county is Florence? A Rankin.
Q How long have you lived at Florence? A I was born there.
Q And always lived there? A Yes sir.
Q What is your father's name? A Henry Cannon.
Q Is he living? A No sir, dead.
Q What is your mother's name? A Betty Cannon.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Mother.
Q How much do you claim? A One quarter.
Q What is your father's blood? A His father was a white man and mother was a negro.
Q He is one white and half negro? A Yes sir.
Q Was he a slave before the war? A Yes sir.
Q What was your mother's blood? A Indian and negro.
Q One half each? A Yes sir.
Q Was she a slave before the war? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities of the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A John Lane.
Q What is his blood? A White and negro.
Q Do you make any claim for your husband? A No sir.
Q Have you any children? A No sir.
Q You claim for yourself alone? A Just alone.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a Choctaw citizen? A No sir.

Leminder Lane-----2.

Q Do you come before the Commission now for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

The Treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made some of the Choctaws were unwilling to remove to the new country but preferred to remain in what constituted the old Choctaw Nation, and for the benefit of this class of Indians, article fourteen was put into the treaty. Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen under which you claim your right to be identified as a Mississippi Choctaw---Do you understand that? A Yes sir.

Q Did any of your ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that?

A I couldn't tell you.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians in 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent who lived in Mississippi at that time that they intended to stay in Mississippi, take land there and become citizens of the states?

A I don't know.

Leminder Lane-----3.

- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your ancestors ever receive any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q You claim through your mother? A Yes sir.
- Q And she had one half Choctaw blood? A Yes sir.
- Q Through which one of her parents did your mother claim, her father or mother? A Her father.
- Q What was his name? A Alex Payne.
- Q Did he speak the Choctaw language? A Yes sir.
- Q Did you ever hear him? A No sir.
- Q How do you know he spoke Choctaw? A By my mother telling me.
- Q Do you speak Choctaw? A No sir.
- Q Don't you understand any Choctaw? A No sir.
- Q Don't know any words? A No sir.
- Q Did you ever live among the Choctaw Indians? A No sir.
- Q Where have you lived with all your life? A A white man.
- Q You have heard your mother say your father could talk Choctaw? A Yes sir.
- Q Through which parent, did he claim Choctaw blood, his father or mother, or both? A I think it was both.
- Q Have you any proof any writings or records of any kind or any thing of that sort that he was a full blood Choctaw Indian? A I have not now.
- Q Do you know any person who would be able to support your testimony as to your grandfather being a full blood Choctaw Indian? A Jim Payne.
- Q Is he an old man? A Yes sir.
- Q Where does he live? A I can't tell you exactly where he lives.
- Q Do you think you can get him before the Commission or get his testimony? A Yes, I expect I can.

A reasonable time will be given you in which to offer such documentary evidence as you may wish to offer, also to produce witnesses here before the Commission in support of your claim.

- Q Have any of your relatives ever been before the Commission? A No sir.
- Q You are the only one of your family? A I have six brothers and five sisters but none of them have ever been here.
- Q They are all full brothers and sisters? A Yes sir.
- Q Do they look like Indians? A Some of them do and some of them don't.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the United States. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. On this account, in many instances the land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales,

Lexinder Lane----4.

and the Choctaws were deprived of their land. This action of the government caused many complaints, and finally the matter was brought to the attention of Congress, and a Commission was appointed by the act of Congress of March 3, 1837, to go to Mississippi and hear these complaints; also in 1842, by the act of August 23, 1842, another commission was appointed for a similar purpose.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians in 1830 or before that time? A I don't know.

Q So far as you know, did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Have you any witnesses that you desire to present now in support of this application? A My mother couldn't come.

A reasonable time has been given in which you may submit her affidavits and the affidavits of any persons you may desire to present. The Commission would suggest that you get this testimony here before the Commission within thirty days if you can but that a reasonable time will be allowed.

Q Are there any further statements you want to make in support of this claim? A No sir.

This applicant claims to be descended from mixed parentage composed of white, Indian and negro blood. She claims to have one quarter Choctaw blood. She undoubtedly has the quantity of Choctaw blood which she claims; judging from her physical appearance any one would believe she was a full blood Indian. She has the hair, features, color and all of the physical characteristics of a full blood Indian. She does not understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risthen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of August 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said

Reminder Lane-----S.

proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this
26th day of August, 1901.

[Signature]

Notary Public.

J.W.L.
Covv.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Leminder Lane, for
identification as a Mississippi Choctaw, M.C.R. 3341.

- - - D E C I S I O N - - -

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Leminder Lane for himself, under the following provision of the
act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of Alex Payne, who is alleged to have been a full blood Choctaw
Indian.

It further appears, from the evidence submitted in support

of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Alex Payne, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Leminder Lane as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Dwyer
Acting Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Brodwin
Commissioner.

Muskogee, Indian Territory,
OCT 18 1902

M.C.R. 3341

Muskogee, Indian Territory, October 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Leminder Lane, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Leminder Lane as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

H. McM. & C.-----2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman

COPY.

M.C.R. 3341

Muskogee, Indian Territory, October 18, 1902.

Leminder Lane,

Florence, Mississippi.

Dear Sir:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Leminder Lane, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Leminder Lane as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Leminder Lane-----2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James H. H. H.

Acting Chairman

Registered.

COPY

Muskogee, Indian Territory November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Leminder Lane, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 18, 1902.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

CHIEF

James Dixon.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M C R 3341.

D.C. 4615

C O P Y.

RAF

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD. 1228-1903.
L R 8

February 14, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application for identification of Leminder Lane as a Missis-Choctaw, including your decision of October 18, 1902, adverse to the applicant.

He claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one Alex Payne who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Alex Payne or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1807 (5 Stat., 180) and August 23, 1842, (5 Stats, 513).

Reporting January 30, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Finding no reason to disturb your decision, the Department affirms the same.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

Land.
67759-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Jan. 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration, application of Leminder Lane for identification as a Mississippi Choctaw, wherein a decision adverse to him was rendered by the Commission to the Five Civilized Tribes, October 18, 1902.

The testimony in this case shows that the applicant claims rights to identification by reason of descent from Alex. Payne, who is alleged to have been a member of the Choctaw tribe of Indians in Mississippi in 1830, through Betty Cannon, his daughter.

The Commission rejected the applicant because it did not appear ^{the} from its records that ancestors claimed under, complied or attempted to comply with the provisions of Article 14 of the treaty of 1830, and for the reason the applicant himself is not a member of the Choctaw tribe of Indians or a citizen thereof.

An examination of the records of this office discloses the fact that the names of Alex. Payne or Betty Cannon (nee Payne) do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, nor does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513) for an adjudication of their rights as Choctaw Indians, if they had such rights.

It is therefore respectfully recommended that the decision of the Commission rejecting the party hereto, be approved.

Very respectfully,

W.A. Jones,

Commissioner.

C.T.C. L.

H.C.R. 3341

COPY.

Muskogee, Indian Territory, February 25, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

you are hereby notified that on the 14th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Leminder Lane for identification as a Mississippi Choctaw of which decision you were advised by mail on the 18th day of October, 1902.

respectfully,

G. C. H. I.

Chairman.

M.C.R. 3341

copy.

Muskogee, Indian Territory, February 25, 1903.

Leminder Lane,

Florence, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

(SIGNED)

2-24-03

Chairman.

MOR-3341

Muskogee, Indian Territory, February 11, 1907.

Leminder Lane,

Star, Mississippi.

Dear Sir:-

Receipt is hereby acknowledged of your letter of January 31, 1907, in which you ask that you be allowed an opportunity to introduce the testimony of certain witnesses in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that the Secretary of the Interior, on February 14, 1903, affirmed the decision of the Commission to the Five Civilized Tribes of October 18, 1902, refusing to identify you as a Mississippi Choctaw.

It does not appear that any further proceedings have been had in your case since the date of Departmental action above mentioned, and this office now has no authority to receive or consider any further evidence in support of your claim.

The case is now considered closed.

Respectfully,

Commissioner.

1929

No.

3341

For Identification as a Mississippi Choctaw.

Date

AUG 23 1901

Name Lemminder Lane

Age 31

Blood $\frac{1}{4}$

Post Office, Florence, Miss.

Father: Henry Cannon, d. ^{$\frac{1}{2}$ w. $\frac{1}{2}$ neg. slave}

Mother: Bettie ^{$\frac{1}{2}$ cho. $\frac{1}{2}$ neg.} " slave l.

Claims through

mother

Husband John Lane ^{w. & neg.}

No claim for husband

~~Children~~

Claim for self
alone -

Stenographer

H. C. Risher

INDEXED

NO.	RECORD
6444	FEB - 4 1907

Lane, Lersinder,
Star, Miss.,
Jan. 31, 1907.

Relative to her Choctaw claim.

CHOC-CHIC ENROLLMENT

3341

EMPTY

Choctaw MCR 3343

Jim Arkansas

MCR 3343

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Jim Arkansas, et al.,
for identification as Mississippi Choctaws.

-----C-----

Herein is the record in the matter of the application of
Jim Arkansas, et al., for identification as Mississippi
Choctaws, M.C.R. 3343.

-O-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jim Arkansas, et al.,
for identification as Mississippi Choctaws, M.C.R. 3343.

--: I N D E X :--

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 24, 1901.

In the matter of the application of Jim Arkansas for the identification of himself, his wife and four minor children as Mississippi Choctaws.

Jim Arkansas, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Jim Arkansas.
Q What is your age? A About thirty eight.
Q What is your post office address? A Hickory, Mississippi.
Q What county is that? A Newton.
Q How long have you lived in Newton county? A All my life.
Q Born there? A Yes sir.
Q What is your father's name? A John Arkansas
Q Is he living? A No sir.
Q Did he have an Indian name? A Metacubbe.
Q Was he a full blood Choctaw? A Yes sir.
Q What is your mother's name? A Susie Arkansas.
Q Did she have an Indian name? A I know, but I done forgot.
Q Is she living? A Yes sir.
Q Has she been before the Commission this year? A Yes sir.
Q And did she give her name as Susie Arkansas? A Susan Arkansas.

Special reference is here made to the application of Susan Arkansas, M. C. R.-1944.

- Q Are you a full blood Choctaw Indian? A Yes sir.
Q You claim through both father and mother? A Yes sir.
Q Your mother is a full blood Choctaw Indian? A Yes sir.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, father been to the territory and came back.
Q Do you know whether he was enrolled there as a Choctaw Indian? A No sir.
Q Did your mother go too? A No, just father.
Q Did your father die here in Mississippi? A Yes sir, in Newton county.
Q How old was he when he died? A I expect seventy.
Q Are you married? A Yes sir.
Q What is your wife's name? A Catherine.
Q Is she a full blood Choctaw Indian? A Yes sir.
Q How old is she? A About twenty seven.
Q What is her father's name? A Bob Johnson.
Q Did he have an Indian name? A Ah-wah-tawyah.
Q Is he a full blood Indian? A Yes sir.
Q Is he living? A Yes sir.
Q What is your wife's mother's name? A Nancy. 1
Q Is she living? A Yes sir.
Q Full blood Choctaw Indian? A Yes sir.
Q Your wife claims to be a full blood, and claims through both her father and mother? A Yes sir.

Jim Arkansas-----2.

- Q You make application for your wife, too? A Yes sir.
- Q Do you know whether your wife's mother, Nancy, had an Indian name? A I don't know---Oon-a-che-honah.
- Q Has your wife an Indian name? A Tish-ah-yah-honah.
- Q Have Catherine's parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
- Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Marsalina.
- Q How old is Marsalina? A About eight years old.
- Q What is the name of the next? A Fannie.
- Q How old is Fannie? A About five years old.
- Q What is the name of the next? A Missie.
- Q How old is Missie? A About three years old.
- Q Have you any other children? A Yes sir.
- Q What is the name? A Linnie.
- Q That is a little girl? A Little girl.
- Q How old is she? A About ten months.
- Q When was Linnie born? A October 27, 1900.
- Q These are all the children you have? A Yes sir.
- Q Is Catharine the mother of these children? A Yes sir.
- Q Are you the father? A Yes sir.
- Q And these children are living with you at your home? A Yes sir.
- Q Were you married to your wife Catherine under a license or according to the Choctaw custom? A Choctaw custom.
- Q You have no license, then? A No sir.
- Q Is your name, the name of your wife or the names of any of your children on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you or any one for you for your wife or any of your children ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you or any one for your wife or children in 1896, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you your wife or children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
- Q Have you ever made application for citizenship for yourself, your wife or children, in the Choctaw Nation either to the Choctaw tribal authorities or the Commission to the Five Civilized Tribes? A Two years ago.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, and made application for the identification of himself, his wife, and three children, Marsalina, Fannie and Missie as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 491, also upon page 102 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being Nos. 1781, 1782, 1783, 1784 and 1785 thereon.

Jim Arkansas-----3.

- Q Linnie has been born since you made that application? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and children under the provisions of article fourteen of the treaty of 1830? A Yes.
Q Do you understand that article? A No.
Q Do you know what a treaty is? A No sir.
Q Do you know what a contract is? A Yes sir.

A treaty is a contract or agreement only it is called a treaty because it is made between nations instead of between individuals. On the 27th day of September, 1830, a treaty was made between the United States government and the Choctaw Indians, and the object of that treaty was the removal of all of the Choctaw Indians in Mississippi and Alabama to the Choctaw Nation in Indian Territory. A large number of Choctaw Indians went to the Choctaw Nation in the territory between 1833 and 1838, but before the treaty was signed, it became evident that a good many Choctaws would refuse to go, and to protect the interests of that class of people who stayed in Mississippi, article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You claim under that article of the treaty of 1830? A Yes sir.
Q You understand that, do you? A Yes sir.
Q Did any of your ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830? A Yes sir.
Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians at that time? A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A I don't know.
Q Did you ever hear that any of your forefathers ever had any land from the government? A No sir.
Q Did they ever own any land? A No sir.
Q Did they ever get any money from the government? A I don't know.
Q Did any of your Choctaw ancestors go from Mississippi or Alabama

Jim Arkansas-----4.

to the Indian Territory with the other Indians between 1833 and 1838
A I don't know.

Q Did any of your wife's ancestors go? A I don't know.

Q Did any of your wife's ancestors ever own improvements on land in Mississippi? A I don't know.

Q Do you know whether any of your wife's ancestors were recognized members of the Choctaw tribe of Indians in 1830? A I don't know.

Q Did any of your wife's ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors or your wife's ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time and tell him that they intended to stay in Mississippi and take land there and become citizens of the states? A I don't know.

Q Did you ever hear anything about that? A No sir.

Q Did any of your ancestors or your wife's ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A No sir.

Q Did they ever comply with the provisions of article fourteen?
A I don't know.

Q Did any of your ancestors or your wife's ancestors ever receive any land or benefits under any other article of the treaty of 1830 except article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaw Indians who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. On this account in many instances the land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were driven from their land. This caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress, and Congress passed an act which was approved on March 3rd, 1837, providing for the appointment of a Commission, which Commission should go to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article fourteen of the treaty of 1830. In 1842, Congress by another act caused the appointment of a similar Commission for a similar purpose.

Q Did any of your ancestors or your wife's ancestors appear before either one of these Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas.

Jim Arkansas-----5

to be taken from ~~vacant~~ government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors ever receive any scrip from the government under that act of Congress? A I don't know

Q So far as you know were any of your ancestors or your wife's ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q So far as you know did any of your ancestors or your wife's ancestors ever receive any benefits as Choctaw Indians from the government? A No.

Q Have you any written evidence that you want to introduce now in support of your claim? A No sir.

Q Have you any witnesses you would like to call now in support of this claim? A No.

A reasonable time will be allowed this applicant by the Commission in which to file documentary evidence in support of this application, also for the introduction of oral testimony of witnesses if he desires to bring them before the Commission.

Q Any further statements you wish to make? A No sir.

This applicant appears to be a fullblood Choctaw Indian; He speaks the Choctaw language as his native language and also speaks sufficient English and has a sufficient knowledge of the English language to give his testimony before the Commission without an interpreter. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 24th day of August 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 4th day of September, 1901.

[Signature]

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tuskogee, Indian Territory, July 5th, 1902.

In the matter of the application of Jim Arkansas for the identification of himself and his wife, Catherine, and his minor children, Marsalina, Fannie, Missie and Linnie Arkansas, as Mississippi Choctaws, M.C.R. 3343.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A Yes sir.
Q Do you know a Choctaw Indian by the name of Jim Arkansas? A Yes.
Q About how old a man is he? A I couldn't tell but not as old as I am.
Q What is his postoffice address? A Hickory.
Q That is in Newton County, Mississippi, is it? A Yes.
Q Do you know the name of his wife? A Yes.
Q What is her name? A Catherine.
Q Have they any children? A Yes.
Q Do you know their names? A Two of them, the biggest ones.
Q You don't know the others? A No.
Q What is the name of Jim Arkansas' father? A Me-ta-cubbe.
Q What is his English name? A I don't know it--just old man Arkansas.
Q Do you know the name of his mother? A Susie.
Q Has she got an Indian name? A I can't tell--she's a Six Town woman.
Q Has Jim been before the Commission? A Yes sir.
Q Is Jim's father-me-ta-cubbe, living? A No sir, he dead.
Q About how old was he when he died? A He was an old man.
Q Do you know anything about the parents of Me-ta-cubbe? A I couldn't tell.
Q Do you know the name of Jim Arkansas' wife's father? A Ah-wah-ta-yah.
Q Did he have an English name? A Yes, Bob Johnson.
Q What was Catherine's mother's name? A Nancy.

Jim Arkansas, et al--2

Q Did she have an Indian name? A I can't tell now--she had it though.

Q What is Bob Johnson's father's name? A Me-ah-she-cubbe.

Reference is made to Volume 1, page 527, of the claimants brief and evidence in the case of the Choctaw Nation of Indians vs. United States, Court of Claims No. 12742, in a list of three cases fully adjudicated by Commissioners Tyler, Gaines and Rush, May 31, 1845, Court case No. 476. Reference is also made to Mississippi Choctaw case 3376, Bob Johnson, et al., the principal applicant therein being the father of the applicant Catherine Arkansas.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 9th day of July, 1902,
at Muskogee, Indian Territory.

Guy L. Emerson
Notary Public.

Cow.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Jim Arkansas, et al.,
for identification as Mississippi Choctaws, H.C.R. 3543.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on August 24, 1901, by Jim Arkansas for himself, his wife, Catherine Arkansas (Indian name, Tish-ah-yah-honah), and his four minor children, Marsalina, Fannie, Missie and Linnie Arkansas, under the following provision of the act of Congress approved June 23, 1893 (30 Stats., 425):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

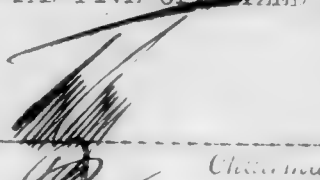
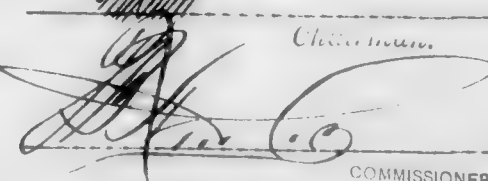

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Jim Arkansas, Catherine Arkansas (Tish-ah-yah-bone), Marsalina Arkansas, Fannie Arkansas, Missie Arkansas and Linnie Arkansas should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

COMMISSIONER.

C. R. Armstrong.
COMMISSIONER.

Muskogee, Indian Territory,

APR 27 1903

Muskogee, Indian Territory, August 17, 1901.

Mr. Jim Arkansaw,

Spivey, Mississippi.

Dear Sir:-

Receipt is hereby acknowledged of the application of Loney Arkansaw, infant daughter of Jim and Catherine Arkansaw, born October 27th, 1900, for identification as a Mississippi Choctaw.

The affidavits of the mother and nurse at the birth of this child are accepted and made a part of the original application for the identification of its parents as Mississippi Choctaws.

Yours truly,

M.C. 491

M C R ✓
3396-3398-3343
5126-3301-3303

Muskogee, Indian Territory, April 4, 1903.

W. H. Gallaspy,
Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, advising change of post office address to Sterrett, Indian Territory, of the following Mississippi Choctaws:

Big Wiley Johnson	M C R 3300
Wiley Johnson	M C R 1960
Tom Williamson	M C R 2454
Sim Lewis	M C R 3471
Ben Gibson	M C R 3298
Lewis Gibson	M C R 3433
Bob Johnson	M C R 3396
Ben Gilmore	M C R 3392
Jim Arkansaw	M C R 3343
John Jack	M C R 5126
Willie Gibson	M C R 3301
Jeff Gibson	M C R 3303
Emmie Gibson	M C R 3809
Tom Gilmore	M C R 3096
Charley Lewis	M C R 1965
Len Thompson	M C R 2119
John Willis	M C R 1169
Henry Jackson	M C R 2465

You are advised that a proper record has been made in the matter.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Jim Arkansas, his wife Catherine Arkansas (Tish-ah-yah-honah), and his minor children Marsalina Arkansas, Fannie Arkansas, Missie Arkansas and Linnie Arkansas as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jim Arkansas, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

Tame Bixby.
Chairman.

Registered.
Enclosure 3343.

M.C.R.
1900
3343

Muskogee, Indian Territory, April 30, 1903.

Thomas Jefferson,

Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and James Arkansaw in which you ask to have your "letters of identification" forwarded to you as early as possible.

Replying to your communication you are advised that it appears from our records that on April 20, 1901, you appeared before the Commission at Meridian, Mississippi, and made application for the identification of yourself, wife and three minor children as Mississippi Choctaws; that on October 29, 1902, application was made for your child, Abney Jefferson. The Commission has not up to this time rendered any decision as to the right of yourself, your wife and children to identification as Mississippi Choctaws but is now considering your application, and when a decision is rendered you will be duly advised of the action of the Commission.

It further appears from our records that on April 27, 1903, the Commission rendered its decision in the matter of the application of Jim Arkansaw for the identification of himself, his wife Catherine and four minor children as Mississippi Choctaws, and on the same date notice of such decision was furnished the attorneys

T.J.-----2

for the Choctaw and Chickasaw Nations. If at the end of fifteen days from April 27, 1903, no protest against the identification of Jim Arkansas, his wife and children has been filed by said attorneys, their names will be placed upon a schedule of duly identified Mississippi Choctaws now being prepared by the Commission.

Respectfully,

Chairman.

M.C.R. 3343

COPY.

Muskegee, Indian Territory, May 5, 1903.

Jim Arkansas,

C/o Big Wiley Johnson,

Bterrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife, Catherine Arkansas (Tish-ah-yh yah-honah), and your minor children, Marsalina Arkansas, Fannie Arkansas, Missie Arkansas and Linnie Arkansas as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED:

Tamo Dixie
Chairman.

Registered.

Enc. 3343

- M C R 3343 -

Muskogee, Indian Territory, April 18, 1905.

Jim Arkansaw,

Paucaunle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Emer Arkansaw, infant daughter of Jim and Catherine Arkansaw, born November 6, 1902.

Respectfully,

Commissioner in Charge.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for ~~Identification~~

INFANT CHILD

Linnie Arkansas.

HER BIRTH OF

MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 26 1901

ACTING CHAIRMAN.

Approved,
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. 1901
Commissioner.

See Miss Choctaw Card Filed No 491

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

[Signature]
Acting Chairman.

MISSISSIPPI CHOCTAW.

491

3343

See Miss Cho Card Filed No 491.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
AMERICAN INDIAN, AW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for ^{Identification} ~~Registration~~ as a ~~citizen~~ ^{Choctaw} MISSISSIPPI CHOCTAW.
of Linnie Arkansas, born on the 27th day of Oct, 1900.
(Here insert name of child.)
Name of Father: Jim Arkansas, a ~~citizen~~ ^{Choctaw} of the ~~United States~~ ^{Choctaw} Nation.
Name of Mother: Cathrine Arkansas, a ~~citizen~~ ^{Choctaw} of the ~~United States~~ ^{Choctaw} Nation.
Post-office, Hickory, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

~~State of Mississippi~~
~~County of Newton~~

I, Cathrine Arkansas, on oath state that I am 27
years of age and a ~~citizen~~ ^{Full Blood} ~~Choctaw Indian~~ ^{Choctaw Indian} Nation;
that I am the lawful wife of Jim Arkansas, who is a ~~citizen~~ ^{Full Blood} ~~Choctaw Indian~~ ^{Choctaw Indian} Nation;
that a Female child was (male or female)
born to me on the 27th day of Oct, 1900; that said child has been
named Linnie Arkansas and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

J. M. Cross
W. H. Galloway

Subscribed and sworn to before me this 24 day of August, 1901.
J. M. Cross
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

~~State of Mississippi~~
~~County of Newton~~

Mary Willis, a Midwife, on oath state that I
attended on Mrs. Cathrine Arkansas, wife of Jim Arkansas,
on the 27th day of Oct, 1900; that there was born to her on
said date a Female child; that said child is now living and is said to have been
named Linnie Arkansas.

WITNESSES TO MARK

(Must be Two
Witnesses)

J. M. Cross
W. H. Galloway

Subscribed and sworn to before me this 24 day of August, 1901.
J. M. Cross
NOTARY PUBLIC

Encl L 72

20

IN RE
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.
INFANT CHILD

Sony Arkansas
as a citizen of

Choctaw Nation.

Approved,

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

190

Commissioner.

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its ENROLLMENT as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

[Signature]
Acting Chairman.

MISSISSIPPI CHOCTAW

491.

3343

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a ^{Identification Mississippi Choctaw} ~~citizen~~ of the ^{Nation.}
of Laney A. Kawsaw, born on the 27 day of Oct, 1900
(Here insert name of child.)
Name of Father: Jim A. Kawsaw, a citizen of the Choctaw Indian
Name of Mother: Catharine A. Kawsaw, a citizen of the Choctaw Indian
Post-office, Spiney Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Catharine A. Kawsaw, on oath state that I am 27
years of age and a citizen, by Full Blood, of the Choctaw Indian Nation;
that I am the lawful wife of Jim A. Kawsaw, who is a citizen by
Full Blood, of the Choctaw Indian, that a Female child was
(male or female)
born to me on the 27 day of Oct, 1900; that said child has been
named Laney A. Kawsaw, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Tom Gilmore
W. H. Calhoun

Subscribed and sworn to before me this

9 day of August, 1900!

J. H. Cross

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
State of Mississippi District.

I, Mary Willis, a mid wife, on oath state that I
attended on Mrs. Catharine A. Kawsaw, wife of Jim A. Kawsaw,
on the 27 day of Oct, 1900; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Laney A. Kawsaw.

WITNESSES TO MARK

(Must be Two
Witnesses)

Tom Gilmore
W. H. Calhoun

Subscribed and sworn to before me this

9 day of August, 1900!

Mary Willis
J. H. Cross

NOTARY PUBLIC.

1331

No. 3243

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name Jim Arkansas

Age 38 - Blood f. b.

Post Office, Hickory, Miss.

Father: John Arkansas, f. b. d.
(Me-ta-cubbe)

Mother: Susie Arkansas f. b. l.

- Claims through both parents.

wife Catherine f. b. (27)

father: Bob Johnson f. b. l.

mother: Nancy " f. b. l.

wife f. b. (both parents)

Claims for wife -

Children:

Marzalina Arkansas, 8

Fannie " 5

Missie " 3

Linnie (dau) " 10 m.

See M.C. Card filed

No. 491.

Claim for self, wife
and children.

Stenographer H.C. Briston.

No. 223

For Identification as a Mississippi Choctaw.

Date

7/5/02

Name

Jim Arkansas Sal

Age

Blood

Post-Office,

Father:

Mother:

Claims through

Additional testimony of
By Wiley Johnson

Children:

Stenographer

J. S. M. L.

Jim Anderson, del

IDENTIFIED

R. 5343

SECTION 85V

CHICKASAW

36-11-11

Choctaw MCR 3344

Lotie Frenchman

MCR 3344

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application for the identification of
Lotie Frenchman, et al., as Mississippi Choctaws.

---O---

Herein is the record in the matter of the application of
Lotie Frenchman, et al., for identification as Mississip-
pi Choctaws, M.C.R. 3344.

--O--

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the identification of
Lotie Frenchman, et al., as Mississippi Choctaws, U.C.R. 3344.

--: I N D E X :--

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Original application of Thomas Jefferson for the identification of Lotie Frenchman, et al. as Mississippi Choctaws-----	1
Decision of the Commission identifying the ap- plicants herein as Mississippi Choctaws-----	6

---o---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 24, 1901.

In the matter of the application of Thomas Jefferson as guardian for the identification of his two minor wards, Lotie Frenchman and Mollie Frenchman, as Mississippi Choctaws.

Thomas Jefferson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas Jefferson.
Q What is your age? A Forty six.
Q What is your post office address? A Hero, Mississippi.
Q Is that also the post office address of Lotie and Mollie Frenchman?
A Yes sir.
✓Q These two children are living with you? A Yes sir.
Q Are you making application as guardian for them? A Yes sir.
Q How long have these children lived at Hero, Mississippi? A All their lives.
✓Q What is the name of the father of these children? A John Frenchman.
Q Is he living? A He is dead.
✓Q Was he a full blood Choctaw Indian? A Yes sir.
✓Q What was their mother's name? A Sophia.
✓Q Was she a full blood Choctaw Indian? A Yes sir.
Q Is she dead? A She is dead.
✓Q These children claim their Choctaw blood through both father and mother? A Yes sir.
✓Q And these children are full blood Choctaws? A Yes.
Q How old is Lotie Frenchman? A Twelve years old.
Q And how old is Mollie Frenchman? A Eight years old.
Q When did John Frenchman die? A March 3, 1900.
Q And when did his wife, Sophia, die? A About two months ago.
Q Do you remember the day? A No sir, it was in June, 1901.
Q Have the parents of these two children, Lotie and Mollie Frenchman, ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory---Did they ever go out to the territory and get enrolled out there? A I don't know.
Q Do you know when John and Sophia were married? A No.
Q Do you know how they were married? A Under a license.
Q Where---in what county? A Jasper.
Q By a preacher? A Yes sir.
Q But you don't know how long ago? A No.
Q Are you kin to these children? A My wife is a sister of Sophia.
Q These children are living with you? A Yes sir.
Q And have been ever since their mother died? A Yes sir.
Q And you are taking care of them just the same as if they were your children? A Yes sir.
Q Were you present when Sophia was buried? A Yes sir.
Q Do you know how old John Frenchman was when he died? A No.
Q Do you know how old Sophia was when she died? A No.
Q Are the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Thomas Jefferson---2.

Q Did any one for these children ever make application to the Choctaw tribal authorities in Indian Territory for their enrollment as members of the Choctaw tribe? A No sir.

Q Did any one make application for these children to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Yes sir.

The records of the Commission show that in the year 1896, John Frenchman, the father of Lotie and Mollie Frenchman, made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for them under the act of Congress of June 10, 1896, their names being included in the case of Jack Amos, et al vs the Choctaw Nation. This application was filed with the Commission on September 10, 1896. On December 7, 1896, the application was denied by the Commission, and from the decision of the Commission an appeal was taken to the United States Court for the Central district of the Indian Territory, which Court on August 25, 1897, affirmed the decision of the Commission denying the application. An appeal was then taken by the petitioners to the Supreme Court of the United States where the decision of the lower Court was affirmed.

Q Have these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Was application made for the enrollment of these children at any time previous to this present application, other than that in 1896? A Application was made at Decatur, two years ago.

The records of the Commission show that John Frenchman, the father of these two children, Lotie and Mollie Frenchman, made application for their identification as Mississippi Choctaws at Decatur, Mississippi, February 7th, 1899, to the Commission to the Five Civilized Tribes, their names appearing upon Mississippi Choctaw Card, Field No. 388, also upon page 87 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899 of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 1382 and 1383 thereon.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for these children for whom you are guardian under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama and the object of that treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi

to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to remove to the new country west of the Mississippi river, preferring to remain here in what constituted the old Choctaw Nation. For the benefit of this class of Indians, the fourteenth article was put into the treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity

Q That is article fourteen of the treaty of 1830 under which you claim the right to have these children identified as Mississippi Choctaws--Do you understand that article? A Yes sir.

Q Did any of the Choctaw ancestors of these two children ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Were any of the Choctaw ancestors of these two children living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek, and if they were, were they at that time recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of the ancestors of these children if Choctaw Indians own any improvements on land in Mississippi or Alabama ~~xx~~ in 1830 or at any time before that? A I don't know.

Q You don't know whether John Frenchman ever had any lands from the government? A Not as I know of.

Q Did any of the Choctaw ancestors of these children remove from the Choctaw Nation in Mississippi to the present Choctaw Nation in Indian Territory between 1833 and 1838 when the other Indians went there? A I don't know.

Q Did any of the ancestors of these children if Choctaw Indians with in six months after the ratification of the treaty of 1830 tell the United States Agent living in Mississippi, Colonel Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of the ancestors of these children if Choctaw Indians ever claim or receive any land in Mississippi under article ~~fourteen~~ of the treaty of 1830? A I don't know.

Q Did any of the ancestors of these children ever claim any benefits under any other article of the treaty of 1830 or under the supplement of that treaty? A I don't know.

Thos Jefferson-----2.

- Q Did John Frenchman have an Indian name? A I don't know.
Q You never heard that he had? A No.
Q You never heard that he had? A No.
Q Did Sophia have an Indian name? A Ah-chuck-mate-timah
Q How old was Sophia when she died? A About forty.
Q Do you know the Indian name of John Frenchman's father and mother
A No sir.
Q Did John Frenchman speak the Choctaw language? A Yes sir.
Q Did Sophia speak the Choctaw language? A Yes sir.
Q Did they talk English at all? A John Frenchman could.
Q Could Sophia? A No.
Q She spoke Choctaw all the time? A Yes.
Q Do these children speak Choctaw? A Yes.
Q Do they talk English? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government required that the Indian Agent who lived in Mississippi should make a record or list of all Choctaws who came before him within six months after the ratification of the treaty of 1830 and declared their intention to become citizens of the states and to live in Mississippi and take land there according to the provisions of article fourteen. The records in the possession of the government show that but a very few Indians who did make application to Colonel Ward had their names put down on his registry list. As a result of the neglect on his part, a great many Indians who had improvements on land, had their land and improvements taken away from them and sold at public land sales. This caused a great deal of complaint on the part of the Choctaw Indians, and as a result of complaints made, an act of Congress was passed approved March 3rd, 1837, providing for a Commission. The duty of this Commission was to come to Mississippi and hear these claims and adjudicate them. In 1842, Congress passed another act providing for another Commission, whose duties were similar to those of the first Commission.

- Q Did any of the ancestors of these two children appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 but that his land had been sold by the government, at its public land sales, he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Do you know whether any of the ancestors of these children ever received any scrip from the government under that act of Congress of August 23, 1842? A I don't know.
Q So far as you know were any of the ancestors of these two children ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or before that time? A I don't know.
Q So far as you know did any of the ancestors of these children ever receive any benefits as Choctaw Indians, such as land, money or scrip
A No sir.

Thos. Jefferson?-----4.

Q You never heard that they had any land from the government? A No

Q Or any money from the government? A No sir.

Q Have you any documentary evidence that you want to give to the Commission in support of this claim? A No sir.

Q Have you any witnesses that you want to introduce now in support of this claim? A No sir.

You will be allowed a reasonable time in which to offer documentary or other evidence in support of this application. If you have any witnesses you want to bring before the Commission, they may appear before us at Meridian within a reasonable time and their testimony will be taken in support of this application.

Q Are there any further statements you want to make in support of this application? A No.

J. N. Horn, called as a witness having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A J. N. Horn.

Q What is your age? A Thirty two.

Q What is your post office address? A Hickory, Mississippi.

Q What is your occupation? A Farming and ginning and selling mineral water.

Q Were you acquainted with John Frenchman and his wife Sophia?

A Yes sir.

Q How long did you know them? A Ever since I have been big enough to know any Indians. I have been knowing them I reckon about twenty years.

Q Did they speak the Choctaw language? A Yes sir.

Q Did either of them speak English? A No, not much.

Q Do you know when John Frenchman died? A Yes, but I don't remember what time.

Q Was it in 1900? A Yes sir.

Q And do you remember when his wife died? A Yes sir.

Q How long ago was that? A Two months ago.

Q Do you know these two children, Lotie and Mollie Frenchman?

A Yes sir.

Q Do they speak English or Choctaw? A Choctaw.

Q What do you know about this family being fullblood Choctaw Indians? A I don't know anything, just by their looks.

Q They were Choctaw Indians? A Yes sir.

Q No question about that? A No sir.

Q Do you know whether John Frenchman had any Indian name? A No, I don't know.

Q Do you think he had one? A Yes sir.

Q And Sophia--did she have any Indian name? A Yes sir, I think she had.

Q Do you remember it? A No sir.

Q Do you know whether John Frenchman or his wife ever had any land in Mississippi that they received from the government as Choctaw Indians? A No sir, I don't think they did.

Q Did they ever receive any money from the government? A Not that I know of.

Thos. Jefferson-----5.

Q Did they ever receive any scrip from the government as Choctaw Indians under the act of Congress of August 23, 1842? A No sir, not that I know of.

Q Do you know whether any of their ancestors owned any improvements on land in Mississippi? A No sir, I don't know.

Q Did you know John Frenchman's father or mother? A No sir.

Q Or Sophia's father or mother? A No sir.

Q Do you know that these two children are now living with Thomas Jefferson at his home? A Yes sir.

Q What relation is Thomas Jefferson to Sophia? A His wife is a sister of Sophia.

Q There is not anything more that you can think of that you can testify in this case? A No sir.

H.C.Risteen, having been first duly sworn, upon his oath states That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 24th day of August 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of September, 1901.

[Signature]
Notary Public.

Cow

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----C-----

In the matter of the application for the identification of
Lottie Frenchman, et al., as Mississippi Choctaws, M.C.R. 3614.

---: D E C I S I O :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on August 24, 1901, by Thomas Jefferson for Lottie Frenchman and
Mollie Frenchman, under the following provision of the act of Con-
gress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that all the applicants are full-blood Mississippi Choctaw
Indians.


Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Lotie Frenchman and Mollie Frenchman should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JUL 8 1903



COMMISSIONER

H C R
1900-2454
2119-3344

Muskogee, Indian Territory, July 7, 1903.

W. H. Gallaspy,
Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 1, 1903, in which you ask if Thos. Jefferson, Tomie Williamson, Lem Thompson and Lottie and Mollie Frenchman, have been identified as Mississippi Choctaws.

In reply you are informed that it appears from our records that all of the above named persons are applicants to this Commission for identification as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to the rights of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

M.C.R. 3344.

COPY.

Muskogee, Indian Territory, July 8, 1903.

Thomas Jefferson,

Hero, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 8, 1903, identifying Lottie Frenchman and her minor sister Mollie Frenchman as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If they remove to the Choctaw-Chickasaw country, Indian Territory, before January 8, 1904, they will have six months from that date or until July 8, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

Enc. 3344.

N.C.R. 3344.

COPY.

Muskegee, Indian Territory, July 8, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered July 8, 1903, identifying Lottie Frenchman and her minor sister, Mollie Frenchman as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the commission in identifying the said Lottie Frenchman and her sister as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

I. B. Needles.

Registered.

Commissioner in Charge.

yno. 3344.

#1332

No.

3244

For Identification as a Mississippi Choctaw.

Date

AUG 24 1901

Name Thomas Jefferson 46
guardian for Lottie Farnchman~~and~~~~and~~ Mollie Farnchman,Post Office, Xero. Miss

Children's

Father:

John Farnchman, f. h. (d

Children's

Mother:

Sophia " f. h. (d

Children

Claimed through both parents.

See M. C. Card
filed No. 388.

Children:

Lottie Farnchman f. h. 12Mollie " f. h. 8Claims as Guardian
for the 2
above children, who
live with him.

Stenographer

H. C. Ristern

Letic Frenchman et al

11,3344

Choctaw MCR 3345

Norman Gunn

See MCR 2337

MCR 3345

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, August 24, 1901.

In the matter of the application of Norman Gunn for identification as a Mississippi Choctaw.

Norman Gunn, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Norman Gunn.
Q What is your age? A Thirty three.
Q What is your post office address? A Thomasville, Alabama.
Q How long have you lived there? A Nine years.
Q Where did you live before that? A In Mississippi.--I lived in Choctaw county, Alabama, before that, and before that in Clarke county, Mississippi. I was born in Clarke county, Mississippi.
Q You have always lived in Mississippi or Alabama? A Yes sir.
Q What is your father's name? A Henry S. Gunn.
Q Is he living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Margaret D. Gunn.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A I don't know, sir, about one sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A No sir.
Q Are you married? A No sir.
Q You just claim for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application you have ever made to any authority for citizenship in the Choctaw Nation? A Yes sir.
Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now claim the right to be identified as a Mississippi Choctaw and to lands in the Indian Territory as a beneficiary under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I suppose I do--I have been reading it some this morning.

2

I will explain it briefly and read it to you. The Treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw tribe of Indians on the 27th day of September, 1830. The object of that treaty was to remove all of the Choctaw Indians who were in Mississippi and Alabama to

Norman Gunn-----2.

the Choctaw Nation, Indian Territory. That was the reason the treaty was made. Most of the Choctaw Indians afterwards under that treaty removed to the Indians Territory between the years 1833 and 1838, and afterwards, but at the time the treaty was being discussed it was discovered that a great many Choctaw Indians would not go, and in order to protect their rights article fourteen was put into the treaty. If Article fourteen had not been inserted into the treaty of 1830, the Choctaw Indians who stayed in Mississippi, as well as their descendants, would have been deprived of any rights whatever to citizenship in the Choctaw Nation, but because article fourteen was out into the treaty, the Indians who stayed in Mississippi at that time and their descendants have claimed and have had a right to claim benefits under that article to citizenship in the Choctaw Nation and to land in the Choctaw Nation, Indian Territory. Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such land as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands ~~for five years~~ intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Yes sir.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Were they generally recognized in the neighborhood as having Indian blood? A Yes sir.

Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830 or at any time previous to that? A Yes sir.

Q Do you know that? A No sir, not of my own knowledge.

Q Did you ever hear so? A I know they lived down here in Clarke county in this state at that time.

Q What did you ever hear about their having land and improvements on land? A That is my understanding.

Q That is family tradition? A Yes sir, family tradition that they did, and the place is down there now.

Q And it has existed since before the year 1830? A Yes sir, the place is known now as the old Griffin place.

Norman Gunn----3.

Q Did any of your Choctaw ancestors remove from Mississippi or Alabama to the Indian Territory between 1833 and 1838 when the other Indians went there? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they intended to stay in Mississippi and take land there and become citizens of the states? A I don't know that.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830 A Not that I know of.

Q Did any of your Choctaw ancestors claim any benefits under any other article of the treaty of 1830 except article fourteen or under the supplement of that treaty? A I am pretty sure they did not. I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the United States Indian Agent who lived in Mississippi at that time was required to make a list of all Choctaw claimants who desired to remain in Mississippi, and claim land and citizenship under article fourteen. Colonel Ward failed to make a complete list, so that thousands of Choctaws who had land and improvement on land, were dispossessed by the government and lost their lands, that is, their land was sold by the government at its public land sales. On account of this action of the government, a great deal of wrong was done to the Indians and the matter was brought to the attention of Congress and Congress passed an act, approved March 3rd, 1837, providing for a Commission to come down here and adjudicate these claims. Another Commission was appointed, under the act of Congress of August 23, 1842, for the same purpose.

Q Did any of your ancestors appear before either of these two Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

Q You never heard about that? A No sir.

Q You claim under whom? A Under my mother; her father was John Griffin, and his wife was Harriet Griffin---Harriet Connor was her maiden name.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A I do not know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir

Q Did they ever receive any benefits as Choctaw Indians? A Not that I know of.

Q Have you any written evidence that you would like to introduce now or any witnesses that you would like to introduce? A No sir.

Q What are the names of your kin folks who have appeared before the

Norman Gunn-----4.

Commission? A Nancy Buckalew is my mother's sister, Thomas B. Griffin, my mother's brother; John C. Griffin and James B. Griffin, my cousins, they are sons of Thomas B. Griffin; Harriet Bearfield, she is a daughter of Nancy Buckalew and a cousin of mine; Emma Boney and Lucy H. Allen, they are both sisters of Nancy Buckalew; Willery H. Jackson, my sister; Charles M. Davis and Edward T. Davis, sons of Lucy Davis, a sister of my mother. Lucy Dedwylder, my cousin, a daughter of Lucy Davis; Lillie Jackson, a second cousin of mine, Rosier S. Gavin and Charles E. Gavin, cousins of mine, and there are several others.

Q These are all kin of yours? A Yes sir.

Q And there are others whose names you have not given? A Yes sir.

Q Do you want the testimony of all of your relatives who have testified previous to this testimony given by you to be considered in your case as a part of the record in your case? A Yes sir.

You will be allowed a reasonable time in which to introduce documentary evidence in support of this application, also to introduce any witnesses that you may desire to have come here in person. It would be convenient if you would get this testimony before the Commission within thirty days, and if not as soon thereafter as you can within a reasonable time.

Q You do not understand the Choctaw language? A No sir.

This applicant has the appearance of being descended from white parentage. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 24th day of August, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 4th day of September, 1901.

[Signature]
Notary Public.

Meridian, Mississippi, September 27th, 1901.

Mr. Norman Gunn,
Thomasville, Alabama,

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 24th inst., enclosing the certificate of James Hill, Register of the United States Land Office, Jackson, Mississippi, as to certain entries on the records of his office, which you offer for filing in the matter of the application of the descendants of Harriet Griffin for identification as Mississippi Choctaws. The same has been filed with the records of your application for identification as a Mississippi Choctaw and will receive the consideration of the Commission in the disposition of the claims of the descendants of Harriet Griffin.

Yours truly,

James Dickey
Acting Chairman.

M.C.N. 3346

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M. C. R. 3345.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Norman Gunn,

Thomasville, Alabama.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
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Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
Fannie Bowles,	" 3323
Lucy J. Slay, et al.,	" 3324
Harriet I. Carmichael, et al.,	" 3325
Mary M. Dunnam, et al.,	" 3333
Deborah Ann McLendon, et al.,	" 3334
John E. McLendon,	" 3335
Rosier A. McLendon,	" 3336
Norman Gunn,	" 3345
Henry S. Gunn, Jr., et al.,	" 3346
Harriet Dedwylder, et al.,	" 3347
Lucy J. Boykin, et al.,	" 3412
Sallie Davis,	" 3413
John C. Nickels, et al.,	" 3432
Maggie Thornhill, et al.,	" 3434
James C. Denham, et al.,	" 3457
Eva Jopes, et al.,	" 3458
Eliza J. Denham, et al.,	" 3459
James W. Raley, et al.,	" 3460
Emma Britton, et al.,	" 3464
Sallie Jacobs, et al.,	" 3477
John F. Gunn, et al.,	" 3558
Margaret D. Gunn,	" 3559
Alice Gunn,	" 3560
George W. Gunn,	" 3563
James J. Gunn,	" 3564
Harriet Loper, et al.,	" 3566
Alice Loper,	" 3567
Alexander Gunn, et al.,	" 3568
Mattie M. Gunn,	" 3569
Mary E. Gunn,	" 3570
William A. Gunn, et al.,	" 3603
George F. Griffin,	" 3604
Pauline Klopner, et al.,	" 3673
Alice Dunmire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

E. C. Johnson

Registered.

MISSOURI

COPY

M C R 3345

Muskogee, Indian Territory, December 5, 1902.

Norman Gunn,

Thomasville, Alabama.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 7 1900

Name Norman Gunn

Age 33

Blood 1/16

Post Office, Thommauville, Ala.

Father: Henry S. Gunn L.

Mother: Margaret M. Gunn L.

Claims through mother

~~XXXXX~~

Claims for self
alone,

Stenographer H. C. Risteen

Choctaw MCR 3346

Henry S. Gunn Jr.

See *MCR 2337

MCR 3346

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MERIDIAN, MISSISSIPPI, AUGUST 24, 1901.

In the matter of the application of Henry S. Gunn, Jr., for the identification of himself and two minor children as Mississippi Choctaws.

Henry S. Gunn, Jr., having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Henry S. Gunn, Jr.
Q What is your age? A Thirty nine.
Q What is your post office address? A Meridian, Mississippi.
Q Where were you born? A Mississippi.
Q In what county? A Clarke County.
Q How long did you live in Clarke County? A I lived there until I was two years old, and I have really never lived anywhere except in Mississippi.
Q Your residence has been in Mississippi all your life? A Yes sir.
Q And how long have you lived in Meridian? A I have lived here about fifteen years.
Q What is your father's name? A Henry S. Gunn, Sr.
Q He is living, is he? A Yes sir.
Q What is your mother's name? A Margaret D. Gunn.
Q Is she living? A Yes sir.
Q Have either of your parents appeared before the Commission? A No sir.
Q You claim through which one of your parents? A My mother.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Are you married? A Yes.
Q What is your wife's name? A Mary I. Gunn.
Q What is her name? A She is Pennsylvania Dutch.
Q You don't claim for your wife? A No sir.
Q Have you children under twenty one years of age and unmarried that you want to make application for? A Yes sir.
Q What is the name of the oldest? A Harry S. Gunn.
Q How old is he? A Four years old.
Q The next one? A Jesse P. Gunn.
Q Is that a boy? A Yes sir.
Q How old? A Six months.
Q Is Mary I. Gunn the mother of these children? A Yes sir.
Q Are you the father? A Yes sir.
Q Were you married by a minister and under a license? A Yes sir.
Q Have you your license with you? A No sir, not with me.

It is material that you furnish the Commission with ~~xx~~ your marriage certificate or a certified copy, in support of your application for your children.

- Q This application is for yourself and two minor children? A Yes sir.

Henry S. Gunn, Jr.-----2.

Q Is your name or the name of either of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to be enrolled as a Choctaw citizen to the Choctaw tribal authorities? A No sir.

Q Have you ever been enrolled or made application to be enrolled to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever made application to be enrolled, yourself and children, to any authority previous to this application? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the provisions of that article? A Yes sir.

Q Do you think you understand well enough without further explanation? A Yes sir.

I will read it to you so as to refresh your memory as to its conditions. The fourteenth article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands ~~and~~ intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion if it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen? A I don't know sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Yes sir--There is a Griffin place in Clark county, Mississippi.

Q Was that occupied by your ancestors seventy years ago and before that? A Yes sir.

Q What knowledge have you of that land being occupied by any of your ancestors? A By the history of the family.

Q You have been told that by older members of the family? A Yes sir.

Q Do you know how much longer they had it than seventy years? A I don't remember how long.

Q They had improvements on the land seventy years ago? A Yes sir.

Q What Griffin occupied that land seventy one years ago? A John Griffin.

Q What kin was he to you? A My grandfather.

Q His wife Harriet Griffin had the Choctaw blood? A Yes sir.

Q And you claim your right to be identified through her? A Yes sir.

Q Was this property in John Griffin's or Harriet's name? A I don't know.

Henry S. Gunn---3.

- Q Do you know whether any of your Choctaw ancestors received any land under article fourteen of the treaty of 1830 from the government as Choctaw Indians? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in 1830 or before that time? A Yes sir.
- Q How do you know that? A By the history of the family.
- Q Who told you? A Just rumor in the family.
- Q Did any of your Choctaw ancestors remove from Mississippi or Alabama to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 ~~though~~ tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land and become citizens of the states? A I don't know.
- Q Do you know whether any of your Choctaw ancestors ever claimed or received any land in Mississippi from the government? A No sir.
- Q Do you know whether any of your ancestors ever received any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know; I don't think they ever did.
- Q Your mother claimed her Choctaw blood through whom? A Through Harriet Griffin, her mother.
- Q What was Harriet Griffin's maiden name? A Harriet Connor.
- Q Do you know what her father's and mother's names were? A No sir.
- Q How much Choctaw blood did Harriet Connor have? A I don't know --one quarter.
- Q Do you know whether she spoke the Choctaw language? A I do not, I have heard that she could.
- Q That is family tradition? A Yes sir.
- Q Did she have an Indian name? A I don't know.
- Q Give the names of any of your kin folks or relatives who have made application for identification before this application by you? A Nancy Buckalew, Thomas B. Griffin, John C. Griffin, James B. Griffin, Harriet Bearfield, Emma Boney, Lucy H. Dedwylder, Willery H. Jackson, Charles M. Davis and Edward T. Davis.
- Q Do you want to have their testimony referred to and made part of your record when your case is considered? A Yes sir

In accordance with the provisions of the fourteenth article of the treaty of 1830/ the government directed agent in Mississippi to register the names of these Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of article fourteen of the treaty of 1830. On account of this failure to record these names, many Choctaws were deprived of their lands and the improvements on them, and the land was sold by the government at its public land sales. This led to many complaints among the Choctaws, and as a result of these complaints, a Commission appointed by Congress under an act approved March 3, 1837, came to Mississippi and heard the complaints of claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for a similar purpose.

- Q Did any of your ancestors appear before either the Commission ap-

Henry S. Gunn Jr.-----4.

pointed under the act of Congress approved March 3, 1837 or the Commission appointed under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all of the provisions of the fourteenth article of the treaty, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know did any of them ever receive any benefits as Choctaw Indians? A No sir.

Q Have you any written evidence you want to submit at the present time in support of this application? A No sir.

Q Do you wish time in which to offer written evidence in support of this claim? A Yes sir.

Reasonable time will be allowed this applicant in which to submit documentary evidence in support of this claim; also the testimony of witnesses should he desire to submit such testimony before the Commission within a reasonable time.

Q Are there any further statements you wish to make in support of your claim? A No sir.

Q Do you speak the Choctaw language? A No sir.

This applicant appears to be descended from white parents. He belongs to the Griffin family part of whom are dark complexioned, and two or three of whom have the appearance of being part Indian. He does not speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 24th day of August, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of September, 1901.

H.C. Risteen
[Signature]
Notary Public.

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M. C. R. 2337
M.C.R. 3346

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Henry S. Gunn, Jr.,

Meridian, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
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Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
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John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
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Sallie Davis,	"	3413
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Maggie Thornhill, et al.,	"	3434
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Alice Gunn,	"	3560
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James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
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Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Duvald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Registered.

W C R 3346

Muskogee, Indian Territory, December 5, 1902.

Henry S. Gunn, Jr.,
Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED).

Acting Chairman.

#1334

No. 3245

For Identification as a Mississippi Choctaw.

Date AUG 24 1901

Name Henry S. Gumm, Jr.

Age 39 — Blood 1/16

Post Office, Meridian, Miss.

Father: Henry S. Gumm, Sr. I

Mother: Margaret W. Gumm, I

Claims through mother
wife - Mary I. " w.
No. claim for wife.

Children:

Harry S. Gumm, 4
Jesse P. " 6 m.

Claims for self
and children.

Stenographer

W. C. R. R.

Choctaw MCR 3347

Harriet Dedwylder

See MCR 2337

MCR 3347

Department of the Interior.
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 24, 1901.

In the matter of the application of Harriet Dedwylder for the identification of herself and three minor children as Mississippi Choctaws.

Harriet Dedwylder, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Harriet Dedwylder.
Q What is your age? A Forty four.
Q What is your post office address? A Hale, Clark County, Mississippi.
Q How long have you lived at Hale? A This makes five years.
Q Where did you live before you lived at Hale? A Lauderdale County.
Q How long were you there? A Six years.
Q Where did you live before that? A In Alabama.
Q Where were you born? A In Clark County, Mississippi.
Q And when you remove from there, where did you go to? A To Choctaw County, Alabama.
Q How long did you live in Alabama? A I lived there about ten years.
Q And then you came back to Mississippi? A Yes sir.
Q You have been in Mississippi ever since? A Yes sir.
Q What is your father's name? A Rosier Davis.
Q Is he living? A No sir.
Q What is your mother's name? A Lucy.
Q Is she living? A No sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A About 1/4.
Q You claim through your mother; was she one half Choctaw blood?
A One quarter.
Q How much are you then? A No, my mother - my mother wasn't one quarter; my mother was one eighth; my grand mother was one quarter.
Q Your grand mother was Harriet Griffin? A Yes sir.
Q And you claim a half of an eighth? A 1/16.
Q Your mother, you say, was 1/8? A Yes sir.
Q And her mother, Harriet Griffin, was 1/4? A Yes sir.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities, in Indian Territory?
A No sir.
Q Are you married? A Yes sir.
Q What is his name? A Isaac Wilkin Dedwylder.
Q And his blood is what? A White.
Q You don't make any claim for him? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.

Harriet Dedwylder, et al., 2.

- Q What is the name of the oldest one? A Rosier Davis.
Q How old is he? A He is nineteen.
Q The next one? A Bryant M.
Q How old is he? A Seven years old.
Q The next? A Edward Jefferson.
Q How old is he? A Fourteen.
Q Is that all? A That's all, those three.
Q Is Isaac W. Dedwylder the father of all these children? A Yes sir.
Q And you are the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Were you and your husband married under a license and by a minister? A No sir, justice of the peace.
Q Is your name, or the names of these children on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you, or any one for you, or for these children, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
Q Did you, or any one for you, or for your children, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation? A No sir.
Q Have you, or any of your minor children, ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time for yourself and children to either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q To be admitted or enrolled as members of the Choctaw nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of article 14 of the treaty of 1830? A I don't understand that.

The treaty of Dancing Rabbit Creek was entered into here between the United States Government and the Choctaw tribe of Indians on the 27th day of September, 1830. This treaty was made for the purpose of removing all of the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation in Indian Territory. A great many of the Choctaw Indians wanted to go to the Territory between the years 1833 and 1838, and afterwards, but it was evident at the time when this treaty was being discussed that a good many Choctaw Indians would not go to the Indian Territory, and in order to protect their rights article 14 was put in the treaty. Article 14 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner

Harriet Dedwylder, et al., 3.

shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the 14th article of the treaty of 1830, under which you are making this claim; you understand that do you?

A Yes sir.

Q Is that plaint to you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? A Yes sir, they was living there then.

Q That's seventy one years ago? A Yes sir.

Q Do you know if any of your Choctaw ancestors ever lived in Mississippi or Alabama, and were recognized members of the Choctaw tribe of Indians at that time? A No sir, I don't know about that.

Q Did any of your Choctaw ancestors own an improvement on land in Mississippi or Alabama, in the year 1830, or at any time previous to that year? A Not as I knows of.

Q You never heard about that? A No sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay here in Mississippi and take land there, and become citizens of the United States? A No sir, not that I know of.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory between the years 1833 and 1838, when the other Indians went there? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article 14 of the treaty of 1830?

A No sir, not that I know of.

Q Did any of your Choctaw ancestors ever receive any benefits of any kind under any other article of the treaty of 1830 than the 14th article or under the supplement to that treaty? A No sir.

Q You claim through your mother, Lucy Davis? A Yes sir.

Q And you claim she had one-eighth choctaw blood? A Yes sir.

Q What proof have you that your mother, Lucy, had one eighth Choctaw blood? A None, only what I have always heard - always been taught that.

Q In the family? A Yes sir.

Q Who told you in the family? A I have heard my mother talk about it.

Q Have you any documentary evidence of any kind, or any other evidence that your mother was 1/8 Choctaw Indian? A No sir, there is no record of it.

Harriet Dedwylder, et al., 4.

- Q Did she speak the Choctaw language? A No sir. She could talk some little, but she never did practice it; I never did hear her talk Indian no great deal.
- Q She couldn't carry on a conversation? A No sir, I used to hear her count.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Which parent did your mother claim through - father or mother? A It was her mother, I think.
- Q What was her mother's name? A Her name was - my mother's mother was named Harriet.
- Q What was her maiden name? A Connor.
- Q How much Choctaw blood do you think she had? A 1/4, she claimed to have.
- Q Did you ever see her? A No sir, I don't remember seeing her. I can sorter remember the day she was buried, that's all.
- Q Did she speak the Choctaw language? A I don't know sir.
- Q Did she have a Choctaw name? A I don't know sir.
- Q Do you know through which one of her parents she claimed her Choctaw blood? A I think it was her mother; I would not be certain.
- Q What was her mother's name? A I don't know sir.
- Q What makes you think she claimed through her mother? A I don't know; I just seems to me - I don't know why. I heard her talk about it I think. I wouldn't be certain about that.
- Q Have you any documentary evidence, copies of records, to show that your grand mother, Harriet Griffin was 1/4 Choctaw Indian? A No sir.
- Q Have you had any kin folks who have appeared before the Commission as Mississippi Choctaws before this date? A None only cousins was here a week ago.
- Q Is Nancy Buckalew a relative of yours? A Yes sir, mother's sister.
- Q Has she appeared here? A Yes sir.
- Q When? A The 22nd of July.
- Q Are you acquainted with Thomas B. Griffin? A Yes sir.
- Q Are you related to him? A Yes sir, that's my mother's brother.
- Q He has also appeared before the Commission? A Yes sir.
- Q How long ago? A May 23, 1901.
- Q Can you give the names of any others of your kin folks who appeared? A Yes sir.
- Q Give their names? A Connor Griffin, Mrs. Willery Jackson, and my brother, Charley Davis and Ed Davis; several nephews, Bosier Griffin and Ed Griffin, and Ruth Griffin, and Luke Griffin, and then my daughter, Lucy Dedwylder.
- Q When did she come here? A The 14th of this month.
- Q Are you related to Henry S. Gunn Jr.? A Yes sir.
- Q What kin is he to you? A First cousin. He lives here in Meridian.
- Q Norman Gunn? A Yes sir.
- Q Are these related to you? A Yes sir.
- Q What relation? A First cousin.
- Q They appeared to-day; that is, August 24th? A Yes sir.
- Q Do you remember the names of any others? A Yes sir, James Griffin, Sam Griffin, Harriet Bearfield and Sam Griffin's daughter, Mrs. Fannie Bowles and Ala Powers.
- Q Any others you can think of? A No sir, I don't know whether any of the rest of uncle Tom's grand children has been before the Commission or not. George Griffin, Nancy Gray & Lucy Jane Slay.

Harriet Dedwylder, et al., 5.

Q Do you wish to have the testimony of these relatives whom you have mentioned, and who have appeared here for identification - do you wish to have their testimony considered as a part of your own, when yours is considered? A Yes sir.

Q And whatever they have testified as to your common ancestry, you would like to have considered as a part of your case? A Yes sir.

Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent here in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this agent failed to register the names of many Choctaws who did really signify to him their intention to remain and take advantage of the provisions of article 14 of the treaty of Dancing Rabbit Creek. On this account, in many instances, the land upon which the Indians had improvements, and which they desired reserved for them under said article 14 was sold by the Government at its public land sales and the Choctaws were deprived of their land. This action of the Government caused many complaints by the Choctaws, and finally the matter was brought to the attention of Congress, and Congress passed an Act which was approved on March 3, 1837, providing for the appointment of a Commission whose duty it should be to come to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article 14 of the treaty of 1830. In 1842, a similar commission was appointed for a similar purpose.

Q Did any of your ancestors appear before either of these commissions appointed under the Act of Congress of March 3, 1837, or August 23rd, 1842, and attempt to establish their rights under article 14 of the treaty of 1830? A No sir, I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of 1830, but that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A No sir, I don't know.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw tribe of Indians in Mississippi? A Not that I know of.

Harriet Dedwylder, et al., vs.

Q Did any of them ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Have you any written evidence that you would like to offer the Commission to-day in support of your claim? A Why, I have the testimony, sorter, there from an old fellow.

Q Have you that with you? A Yes sir.

The affidavit of Henry Snelgrove is offered in evidence identified as Exhibit "A", filed and made a part of the record in this case.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission would like for you to offer any further testimony or evidence you might have in thirty days from this date, if possible.

(This applicant has the appearance of one descended from white parentage; has dark complexion, dark eyes and dark hair. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of any of her ancestors with any of the provisions of the 14th article of the treaty of Dancing Rabbit Creek.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the twenty fourth day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 23rd day of August, 1901.

[Signature]

Notary Public.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVIERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3347

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Harriet Dedwylder,

Hale, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nominar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNATURE

Registered.

COPI

M O R 3347

Muskogee, Indian Territory, December 5, 1902.

Harriet Dedwylder,

Hale, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

W. H. H. H.

Acting Chairman.

#1935

No. 327

For Identification as a Mississippi Choctaw.

Date Aug - 1900

Name, Harriet Dedwyldey

Age 44 - Blood 1/16

Post Office, Hale, Miss.

Father: Rosier Davis d

Mother: Lucy " d

Claims through mother
Husband, Isaac " w.
No claim for husband

Children:

Rosier Davis Dedwyldey 19

Bryant M " 7

Edward Jefferson " 4

Claims for self &
children

Stenographer

A. S. Thrift

Choctaw MCR 3348

Sallie Stanley

See MCR 3878

MCR 3348

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

3348

In the matter of the application of Sallie Stanley for identification of herself and her minor child as Mississippi Choctaws.

John London, Attorney representing applicant.

Sallie Stanley being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mrs. Sallie Stanley.
Q What is your age? A Thirty, I was born in 1871.
Q What is your post-office address? A Euloe, Delta County, Texas.
Q How long have you lived there? A I have lived there all my life.
Q Never had a home outside of the State of Texas? A No.
Q What is your father's name? A Ira Perkins.
Q He is living? A Yes.
Q What is your mother's name? A Susan J. Perkins.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Horace Stanley.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to make application? A Yes I have one son.
Q What is his name? A Horace Folsom Stanley.
Q How do you spell that middle name? A F-o-l-s-o-m
Q How old? A He was born the 7th of May 1901.
Q You are the child's mother? A Yes.
Q What is the name of its father? A Horace Stanley.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Commission to the Five Civilized Tribes? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission of the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.

- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Why by the treaty made between the Mississippi Choctaws and the United States in eighteen hundred and thirty and article fourteen.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Rachel Folsom, that was her maiden name?
- Q Well what was her name in eighteen hundred and thirty? A I don't know, she was a Folsom before she married my great grandfather Shelton.
- Q She was your great grandmother then? A Yes.
- Q How old is your mother? A She is sixty.
- Q Then your mother must have been born about ten or eleven years after that treaty was made? A My mother was born in 1840.
- Q Well was your mother the oldest one of her mother's children? A Yes.
- Q Do you know how old your grandmother was when your mother was born? A No I don't know just exactly how old she was, my grandmother you are speaking of?
- Q Yes? A She was married in either 1836 or 1838, I don't remember now, I really forgot when she was married.
- Q Well don't you think that even if your mother was born in eighteen hundred and forty that your great grandmother's name must have been Rachel Shelton in eighteen hundred and thirty? A Yes it may have been it is further than I can remember back.
- Q Well just reason from what you do know, if your mother was born in eighteen hundred and forty her mother must have been more than ten years old at that time which would take her back to eighteen hundred and thirty, then as a matter of fact don't you know that your great grandmother was Rachel Shelton in eighteen hundred and thirty? A Why Yes certainly she was.
- Q What was your mother's father's name? A Brackeen, James.
- Q And what was your mother's mother's name? A Miranda Shelton.
- Q Miranda Brackeen? A Yes.
- Q Which one of your mother's parents claimed to be Choctaw? A Her grandmother.
- Q Which one of your mother's parents claimed to be Choctaw? A A Which one of my mother's parents?
- Q Yes? A My mother's grandmother.
- Q Well which one of your mother's parents claimed to be Choctaw? A You want the name do you.
- Q I want to know which one of your mother's parents claimed to be Choctaw? A Well it was her grandmother Rachel Folsom.
- Q Well say her father or her mother? A Why her mother.
- Q What was Miranda Brackeen's father's name? A Jesse Shelton.
- Q What was Miranda Brackeen's father's name? A Jesse Shelton.
- Q What was Miranda Brackeen's mother's name? A Rachel Folsom.
- Q Rachel Shelton? A Yes Rachel Shelton.
- Q Have you any evidence to show that Rachel Shelton was a Choctaw Indian and lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty? A No only what I have been taught.
- Q You have always been taught that she lived in Mississippi at that time? A Yes.
- Q You say you claim under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
- Q Do you understand the provisions of that article of that treaty? A Not very well.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived at that time in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in the States of Mississippi and Alabama and move them all to the Country west of the River but some of the Indian did not want to come west and the others would not sign any treaty until something was done for those Choctaws who wanted to stay there in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one have that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article if those Choctaws who wanted to stay in Mississippi went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay there they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed would not be entitled to any portion of the Choctaw annuity, that means the Choctaw yearly payments of money.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land and become citizens of the United States but when a locating agent was sent down to locate the lands for these Indians he found that there were a great many who claimed that they had gone to the Indian Agent and told him that they wanted to stay there whose names did not appear on the list which the Indian Agent had made, so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed to go down into Mississippi and investigate and find out which of these claimants were entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred cases. Some of them they allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land claimed by the Indians had not already been sold it was given to them, if it had been sold they were given scrip. This scrip could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama and was redeemable at the rate of fifty cents

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per acre.

- Q Now did Rachel Shelton or any other of your ancestors ever own any land in these States? A I don't know for sure but it is supposed that she did.
- Q In which one of these States? A In Mississippi.
- Q Do you understand that it is a matter of great importance to find out how she acquired this land and what disposition was finally made of it? A Yes I understand that it is important.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof to show that Rachel Shelton was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made and that you are her lineal descendant and that you show that Rachel Shelton signified her intention of remaining in Mississippi to the Indian Agent within six months after that treaty was ratified or attempted to do so:

- Q Now do you think you can produce evidence on these points? A Yes.
- Q You expect to try? A Yes.
- Q Have you any papers that you want to file now? A No.
- Q Is there any other statement that you wish to make now? A No.

Examination by Attorney London.

- Q I want to know Mrs. Stanley if these facts you have stated about your grand parents are hear say and what you have been taught by your family? A Of course I only know what I have been taught.

By the Commission.

- Q Did you ever know your grandparents? A I knew my grandfather and have seen him a great many times but I never saw my grandmother, she died when my mother was very small.
- Q Did your great grandmother Rachel Shelton have a Choctaw Name? A Nothing more than Folsom, I don't know whether that is Choctaw or not.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits of any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has brown hair and eyes and rather fair complexion. Her features and general appearance are those of a white woman and she shows no traces of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although it appears from her testimony that her great grandmother lived in Mississippi in eighteen hundred and thirty.

- Q Do you know where that land was in Mississippi that you think your great grandmother owned? A No I don't know anything about that.
- Q You don't know for certain that she did own any? A No Only what I have heard.

Well did any of your family know for certain? A I don't know that they knew for certain but I have heard them speak of it. It was supposed that they owned land.

- Q Have you any witnesses here to day that you would like to have testify in your behalf? A I would like to have Mrs. Maydy and Mrs. Fabbie R. Cook testify for me.
- Q Their testimony will be made a part of the record in your case.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 9th day of November 1901

Clara Mitchell Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka? I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Malaney et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350

In the matter of the application of Duain Shab Cross et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Hannie P. Gashill et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3329.

In the matter of the application of James T. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3330.

In the matter of the application of Nannie A. Cross Bledsoe et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3331.

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901 M.C.R. 3332.

Attorney John London appearing for applicants in above cases.

Fannie E. Cook being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my eldest son.
 Q Are you acquainted with Nannie F. Gambill? A Yes.
 Q What relation is she to you if any? A She is my eldest daughter.
 Q Are these all of your children except minor children for whom you have applied? A Yes,--I have a daughter but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining,-V-i-n-i-n-g
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation to you is she if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you if any? A He is my nephew.
 Q Are you acquainted with Susan P. McGlasson? A Yes.
 Q What relation is she to you if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
- A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers, Shob Perkins, and Ira Perkins.
- Q Is Shob Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A Nine.
- Q Have you named them all? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name she goes by. That is her right name.---Fomer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances Vedlasson.
- Q Any others? A Duanin Shob.
- Q What is his other name? A Duanin Shob Cross.
- Q Are these all? A Eddie Cross,---Nellie Cross the daughter of Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead. A Yes.
- Q Who is Mattie Miranda Justice-- what was her mother's name? A Nancy Cross.
- Q All of these applicants get their Choctaw blood through the same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents? A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified get their Choctaw blood through Rachel Shelton? A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830? A My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know---my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them, ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

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- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarksville.
- Q In what state? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Excused -

Susan J. Perkins being called as a witness, duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post-office address? A Prattville, Delta County Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malancy, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Hattie F. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Hattie A Cross Blodsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sisters children and my own together, I have some in there.
- Q Your children and your sisters children? A Yes.
- Q And your sisters grand children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton?
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died? A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '30.
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi? A I don't know that she did.
- Q You never heard? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it? I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her that last time that she died? A Yes I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full-blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not? A I never heard whether she did or not. She never talked very much at all; when anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness Excluded.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post-office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Melaney, Fannie B. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Fannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Fannie A. Cross Bladnee and Sallie Homer Morgan? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes, I know all of her children.
- Q Are these people all relatives? A Yes sir.
- Q They all claim to get their Choctaw blood through Rachel Shelton? A Yes that is what they claim.
- Q Did you know Rachel Shelton? A Yes.
- Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
- Q Do you remember how she looked? A Yes she was a dark skinned woman.
- Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
- Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkin's mother and I think she must have been dead when they moved to this country. I knew all of their children.
- Q You don't know anything at all about Mrs. Shelton in Mississippi? A No not at all.
- Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
- Q You never heard her speak about that? A No I never did and I never heard the Shelton's mention anything of the kind.
- Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
- Q You say that she looked to be Indian? A Yes she looked to be Indian.
- Q Well that made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of September, 1901.

David Shelby
 Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

A.C.R. 3348

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Sallie Stanley,

Enloe, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willette M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mammie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Kirby.

Registered.

Acting Chairman.

COPY.

MCR 3348

Muskogee, Indian Territory, November 20, 1905.

Sallie Stanley,
Enloe, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your minor child, Horace Folsom Stanley, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

W. D. Beall
Acting Commissioner.

No. 3818

For Identification as a Mississippi Choctaw.

Date AUG 26 1901

Name *Lallie Stanley*

Age 30 Blood 1/8

Post Office, *Eulor, Texas*

Father: *Era A Perkins*

Mother: *Susan J Perkins*

Claims through *mother*

husband: Horace Stanley
(no claim for him)

Children:

Horace Folsom Stanley 4 mo

Claims for self and child

Stenographer

I Rosemuntel

Choctaw MCR 3349

Mattie Miranda Justiss

See MCR 3878 ..

MCR 3349

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

3349

In the matter of the application of Mattie Miranda Justiss for identification of herself and her two minor children as Mississippi Choctaws.

Applicant represented by attorney John London.

Mattie Miranda Justiss being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mattie Miranda Justiss.
Q What is that last name? A J-u-s-t-i-s-s.
Q What is your age? A Twenty-three.
Q What is your post-office address? A Howland, Lemar County, Texas.
Q How long have you lived there? A All my life.
Q You were born in Texas? A Yes.
Q And never had a home outside of the State? A No.
Q What is your father's name? A James Shelby Cross.
Q Is he living? A Yes.
Q What is your mother's name? A Nancy A. Cross.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A For myself?
Q Yes? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Thomas Justiss.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to make application at this time? A Yes two children.
Q Give the names and ages of these children? A Nannie Lee Justiss two years. Thomas Shelby Justiss, one year old. He will not be a year old until November.
Q Ten months old? A Yes.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Thomas Justiss.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't understand.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No I suppose not.
Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in eighteen hundred and ninety-six apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities or the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Well for myself and children.
- Q What do you claim for yourself and your children? A We claim to be Choctaws or Mississippi Choctaws.
- Q Do you claim under the treaty of eighteen hundred and thirty? A Yes we claim under the treaty of eighteen hundred and thirty.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A No, Under article fourteen.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Rachel Folsom Shelton.
- Q What relation was she to you? A She was my great grandmother.
- Q Did she live in the Choctaw Nation in eighteen hundred and thirty? A I don't know.
- Q Have you always been taught that she did? A No I think that she lived in the Choctaw Nation.
- Q The old Choctaw Nation in Mississippi and Alabama? A Yes I think she did I am not sure.
- Q What was her name in eighteen hundred and thirty? A I don't know when she married grandpa' Shelton. I don't know whether it was Rachel Shelton or Rachel Folsom.
- Q Can't you think back and form some idea? A She must have been Rachel Shelton in eighteen hundred and thirty.
- Q What was your mother's father's name? A James Brackeen.
- Q What was your mother's mother's name? A Miranda Brackeen.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q And what was Miranda Brackeen's father's name? A Jesse Shelton.
- Q And what was her mother's name? A Rachel Shelton.
- Q Which one of Miranda Brackeen's parents claimed to be Choctaw? A Her mother.
- Q How much Choctaw blood did Rachel Shelton claim to have? A A She was a full blood.
- Q Have you any evidence to show that she was a full blood Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty? A I don't know unless it is Mrs. Moody, she said that she always looked like one to her and was always called grandpa' Shelton's squaw. I don't know whether she was or not. I have heard my mother say also that she looked like a full blood.
- Q Mrs. Moody did not know her in eighteen hundred and thirty? A I don't know whether she did or not.
- Q You say you are making your claim under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
- Q Do you understand that article of the treaty? A I think I do.
- Q Just make a statement of what you think you understand by it? A I don't know whether I could or not, Well I know that in eighteen hundred and thirty a treaty was made between the United States and the Mississippi Choctaws. I don't know very much about it but I know that they did not want to move here but I can't go into detail. Will you read it to me?

- Q What do you mean by Mississippi Choctaws? A They were the Choctaws that lived in Mississippi.
- Q Well all the Choctaws lived in Mississippi originally and some few in Alabama. I just want to know the difference between the Mississippi Choctaws and the Choctaws.

In eighteen hundred and thirty the Choctaws lived in Mississippi and some of them in the Western part of Alabama. The State of Mississippi was being rapidly settled by white people and it was becoming very hard for the government to protect the Indians in their tribal government there and the United States thought it would be better to give them land west of the Mississippi River and move them all to the Country west of the River where there were no white people and where they could have undisputed possession and not be bothered by white people but some of the Indians did not want to leave their homes there and some west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so this fourteenth article was made a part of the treaty for the benefit of these Choctaws who wanted to stay in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen; but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now under this treaty those Choctaws who did not want to leave the State of Mississippi could go to the Indian Agent there and tell him, within six months after the treaty was ratified, that they wanted to stay there in Mississippi and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed they would not have any part in the Choctaw payments of money.

Within six months after the treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there but when an Agent was sent down by the government to locate the land for these Indians it was found that there were a large number who claimed they had gone to the Agent and told him that they wanted to stay whose names did not appear on the list which the Indian Agent had made, so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed and sent down into Mississippi to investigate the matter and find out which of these Indians really had a right to land under the fourteenth article of the treaty.

These Commissioners took up and passed on several hundred claims. Some of them were allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now did Rachel Shelton or your grandmother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know that they did but I suppose they did. They were well to do.
- Q Do you know how they acquired that land? A No.
- Q You understand that it would be a matter of considerable importance to your case to find out where they owned that land and how and what disposition was finally made of it? A Yes.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that Rachel Shelton your great grandmother lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and to show that you are her lineal descendant and also to show that within six months after that treaty was ratified she went to the Indian Agent and signified her intention to stay in Mississippi and become a citizen of the United States or tried to do so. Now have you any evidence to show that your great grandmother Rachel Shelton lived in Mississippi in eighteen hundred and thirty when this treaty was made? A No.
- Q Did you ever hear whether Rachel Shelton your great grandmother went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No.
- Q Have you any papers that you want to file now? A No.
- Q Is there anything else that you want to say now in support of your application? A Nothing that I know of.
- Q Do you know whether Rachel Shelton your great grandmother had a Choctaw name? A No I don't.
- Q You never heard about that? A No.
- Q Have you any witnesses whose testimony you would like to have in your case? A Mrs. Cook's and Mrs. Moody's.
- Q Who are they? A What.
- Q Who are they, what relation is Mrs. Cook to you? A Mrs. Cook is an aunt, Mrs. Moody is no relation to me at all.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has brown hair, brown eyes and rather dark complexion. Her features and general appearance are those of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from her testimony that her great grandmother lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 26th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

Oliver Mitchell Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
- Atoka, I.T. August 26, 1901.

In the matter of the application of Willet R. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Maloney et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901, M.C.R. 2973

In the matter of the application of Fannie E. Cook et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901, M.C.R. 2925

In the matter of the application of Sallie Stanley et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901, M.C.R. 3348

In the matter of the application of Mattie Miranda Justice for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350.

In the matter of the application of Duain Sheb Cross et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie R. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Gambill et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3329.

In the matter of the application of James T. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory August 24, 1901, M.C.R. 3330.

In the matter of the application of Nannie A. Cross Bledsoe et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3331.

In the matter of the application of Ballie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3332.

Attorney John London appearing for applicants in above cases.

Fannie E. Cook being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you if any? A He is my oldest son.
 Q Are you acquainted with Nannie F. Gambill? A Yes.
 Q What relation is she to you if any? A She is my oldest daughter.
 Q Are these all of your children except minor children for whom you have applied? A Yes,--I have a daughter but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining,-V-i-n-i-n-g
 Q Are you acquainted with Ballie Stanley? A Yes.
 Q What relation is she to you if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Fannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
- A Jim Perkins, Sallie Stanley, Fannie Akers, Alice Akers, Bob Perkins, and Ira Perkins.
- Q Is Bob Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Emma Duncan and Fannie Abshire.
- Q How many children did your sister Susan J. Perkins have? A
- A Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Mary Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name she goes by. That is her right name.----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Fanny Frances McGlasson.
- Q Any others? A Duain Clark.
- Q What is his other name? A Duain Clark Cross.
- Q Any more? A Eddie Cross.---Nellie Cross the daughter of Willie Cross.
- Q Is your grandchild of Mary Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is a son of Mary Cross and she is dead? A Yes.
- Q Who is Nellie's father, Justino---what was her mother's name? A Mary Cross.
- Q Did these applicants get their Choctaw blood through the same source that you do? A Yes.
- Q And you got your Choctaw blood through which one of your parents? A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified get their Choctaw blood through Rachel Shelton? A Yes.
- Q How was your grandmother Miranda Brackeen living in 1830? A By grand father?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know---my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

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- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarks-ville.
- Q In what State? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Excused -

Susan J. Perkins being called as a witness, duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post-office address? A Prattville, Delta County Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Fannie F. Gambill, Nellie W Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross, Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they related to you? A Yes.
- Q How are they related to you? A They are my sisters children and my own together, I have some in there.
- Q Your children and your sisters children? A Yes.
- Q And your sisters grand children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died?
A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know that she did.
- Q You never heard? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it. I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full-blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness Excused.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post-office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet R. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie R. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Shob Cross, Eddie R. Cross Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Fannie A. Cross Bledsoe and Sallie Homer Morgan? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now. A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes I know all of her children.
 Q Are these people all relatives? A Yes sir.
 Q They all claim to get their Choctaw blood through Rachel Shelton? A Yes that is what they claim.
 Q Did you know Rachel Shelton? A Yes.
 Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
 Q Do you remember how she looked? A Yes she was a dark skinned woman.
 Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
 Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Gross and Mrs. Perkin's mother and I think she must have been dead when they moved to this Country. I knew all of their children.
 Q You don't know anything at all about Mrs. Shelton in Mississippi? A No not at all.
 Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
 Q You never heard her speak about that? A No I never did and I never heard she Shelton's mention anything of the kind.
 Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
 Q You say that she looked to be Indian? A Yes she looked to be Indian.
 Q Well what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

Subscribed and sworn to before me this 20th day of September 1901.

David Shelby
 Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3349

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Mattie Miranda Justiss,
Howland, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willettta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Shob Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nimm E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNATURE)

Tamie Dixby.

Registered.

Acting Chairman.

MCR 3349

COPY.

Muskogee, Indian Territory, November 20, 1905.

Mattie Miranda Justiss,
Howland, Texas.

Dear Madam:

You are notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your two minor children, Nannie Lee and Thomas Shelby Justiss, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED

W. O. Beall

Acting Commissioner.

No. 3249

For Identification as a Mississippi Choctaw.

Date AUG 26 1901

Name Mattie Miranda Justices

Age 23 Blood 1/8

Post Office, Howland Texas

Father: James A. Cross

Mother: Nancy A. Cross (dead)

Claims through mother

Husband: Thomas Justices
(no claim for him)

Children:

Nannie Lee Justices 2
Thomas Shelby " 10 mo.

Claims for self and children

Stenographer

E. Rosenwald

Choctaw MCR 3350

William Shelby Perkins

See MCR 3878

MCR 3350

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

3350

In the matter of the application of William Shelby Perkins for identification of himself and his three minor children as Mississippi Choctaws.

Applicant represented by Attorney John London.

William Shelby Perkins being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William Shelby Perkins.
Q What is your age? A Twenty-eight.
Q What is your post-office address? A Prattville, Delta County, Texas.
Q How long have you lived there? A I was born and raised there.
Q Never had a home outside of the State of Texas? A No.
Q What is your father's name? A Ira A. Perkins.
Q Is he living? A Yes.
Q What is your mother's name? A Susan J. Perkins.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Omie, O-m-i-e Perkins.
Q Is she living? A Yes.
Qx Do you make application for you wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A A Yes.
Q Have you any children whom you wish to make application for at this time? A Yes.
Q How many? A Three.
Q Give their names and ages? A Carl Perkins, age six., O
Q Next? A Iris Amy Perkins.
Q How do you spell it? A I-r-i-s A-m-y, age four.
Q Next? A Joe Perkins.
Q Boy? A Yes the first one is a boy and the second one is a girl.
Q How old is he? A One year.
Q You are the father of these children? A Yes.
Q What is the name of their mother? A Omie Perkins.
Q When and where were you married to her? A Lemar County, Texas.
Q When? A In '92.
Q Did you obtain a license to marry? A Yes.
Q Were you married by a minister or a Justice of the Peace? A Justice of the Peace, Cross was his name?
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your minor children.

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in eighteen hundred and ninety-six apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A For myself and children.
- Q What do you claim you are? A One-eighth.
- Q One eighth what? A Choctaw one-eighth blood.
- Q Do you make our claim just because you have always been taught you had Choctaw blood or do you claim under some of the treaties? A I claim under some of the treaties?
- Q Well what treaty do you claim under? A Eighteen hundred and thirty.
- Q Do you claim under the whole treaty or some particular part of it? A The fourteenth article.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Shelton.
- Q Well what was the given name? A Rachel Shelton.
- Q What relation was she to you? A My Great grandmother.
- Q Was her name Rachel Shelton in eighteen hundred and thirty? A I could not say about that, I have taught that her name was Rachel Shelton.
- Q What I mean was her name Rachel Shelton in eighteen hundred and thirty? A I don't know that.
- Q How old is your mother? A Sixty-one.
- Q Your mother then must have been born in eighteen hundred and forty? A Yes she was born in Eighteen hundred and forty.
- Q Well then her mother must have been born before the year eighteen hundred and thirty? A She must have been but I don't know it.
- Q Well you have reason to think at least that great grandmother's name was Rachel Shelton in 1830? A Yes.
- Q What was your mother's father's name? A Jim Brackeen.
- Q What was your mother's mother's name? A Miranda Brackeen.
- Q Which one of your mother's parents claimed to be Choctaw? A Her Mother.
- Q What was Miranda Brackeen's father's name? A Jesse Shelton.
- Q What was Miranda Brackeen's mother's name? A Rachel Shelton.
- Q How much Choctaw blood did Rachel Shelton claim to have? A She claimed to be a full blood so I have been taught.
- Q Did she have any Choctaw name? A I could not say.
- Q You never heard? A No.
- Q You say you are making this claim now under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.

- Q Do you understand the provisions of that article of the treaty of eighteen hundred and thirty? A Yes.
- Q Well state what you understand by this article? A I don't say that I understand it thoroughly, I understand what it is for but can't explain it.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and the western part of Alabama for the purpose of moving them to a Country west of the Mississippi river and give them land there in exchange for their land in the States of Mississippi and Alabama but some of the Indians did not want to come west and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. After this article was made a part of the treaty the Indians signed it and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article those Choctaw Indians who did not want to come west could go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay and they would get land for themselves and their children from the government and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not be entitled to any portion of the Choctaw annuity, "that is the Choctaw yearly payments of money.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay and take land there but when a locating Agent was sent down to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay there whose names did not appear on the list which the Indian Agent had made, so on March 3, 1837 Congress appointed a Commission to go down into Mississippi and find out which of these Indians really had a right to land in Mississippi. This Commission passed on a great many claims and on August 23, 1842 Congress appointed another Commission to go down and finish the work left undone by the first Commission. This Commission also passed on a great many claims. In those cases where the claims were allowed

by the Commissions and approved by the Secretary of War if the land claimed by the Indians had not already been sold it was given to them. If the land had been disposed of they were given scrip which was redeemable at fifty cents per acre from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did your great grandmother Rachel Shelton or your grandmother Miranda Brackeen own land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.
- Q Did Rachel Shelton go to the Indian Agent there within six months after that treaty was ratified and tell him that she wanted to stay in Mississippi? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to supply evidence to show that Rachel Shelton was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that you are the lineal descendant of Rachel Shelton and it will be necessary for you to show that she within six months after that treaty was ratified went to the Indian Agent and signified her intention of staying there in Mississippi and becoming a citizen of the United States or attempted to do so.

- Q Have you any evidence on these points? A No not here.
- Q Do you think you can secure any such evidence? A I think so/
- Q You expect to try? A Yes.
- Q Is there other statement that you would like to make at this time? A No.
- Q Have you any papers that you want to file now? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case

- Q Have you any witnesses here to day whose testimony you wish in your case? A Yes.
- Q Who are they? A Aunt Pannie Cook and Mrs. Moody.
- Q Their testimony will be made a part of the record in your case.

This applicant has brown hair, grey eyes and rather dark complexion. His features and general appearance are those of a white man and he shows no traces of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his statement that his great grandmother lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings had in the above entitled cause on August 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

[Signature]
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Malaney et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901, M.C.R. 2973

In the matter of the application of Fannie R. Cook et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901, M.C.R. 2925

In the matter of the application of Sallie Stanley et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901, M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3360.

In the matter of the application of Duain Sheb Cross et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3361

In the matter of the application of Eddie B. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3362

In the matter of the application of Susan F. McGlasson et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3363

In the matter of the application of Hannie P. Gambill et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3364

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3365

In the matter of the application of Joel A. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3366

In the matter of the application of Susan J. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3329.

In the matter of the application of James T. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory August 24, 1901, M.C.R. 3330.

In the matter of the application of Nannie A. Cross Bledsoe et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3331.

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901, M.C.R. 3332.

Attorney John London appearing for applicants in above cases.

Fannie E. Cook being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you if any? A He is my oldest son.
 Q Are you acquainted with Nannie F. Gambill? A Yes.
 Q What relation is she to you if any? A She is my oldest daughter.
 Q Are these all of your children except minor children for whom you have applied? A Yes,--I have a daughter but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining,-V-i-n-i-n-g
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
- A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers, Sheb Perkins, and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A
- A Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name she goes by. That is her right name.----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss---what was her mother's name? A Nancy Cross.
- Q All of these applicants get their Choctaw blood through the same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents? A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified get their Choctaw blood through Rachel Shelton? A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830? A
- My grand other?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know---my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

#4

- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarks-ville.
- Q In what State? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Excused -

Susan J. Perkins being called as a witness, duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post-office address? A Prattville, Delta County Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they related to you? A Yes.
- Q How are they related to you? A They are my sisters children and my own together, I have some in there.
- Q Your children and your sisters children? A Yes.
- Q And your sisters grand children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died?
A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know that she did.
- Q You never heard? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it. I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full-blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness Excused.

Mrs. Lou Needy being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Needy.
- Q What is your age? A Fifty-four.
- Q What is your post-office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie M. Cook, Sallie Stanley, Mattie Miranda Justice, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie P. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now. A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes I know all of her children.
- Q Are these people all relatives? A Yes sir.
- Q They all claim to get their Choctaw blood through Rachel Shelton? A Yes that is what they claim.
- Q Did you know Rachel Shelton? A Yes.
- Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
- Q Do you remember how she looked? A Yes she was a dark skinned woman.
- Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
- Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkin's mother and I think she must have been dead when they moved to this Country. I knew all of their children.
- Q You don't know anything at all about Mrs. Shelton in Mississippi? A No not at all.
- Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
- Q You never heard her speak about that? A No I never did and I never heard she Shelton's mention anything of the kind.
- Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
- Q You say that she looked to be Indian? A yes she looked to be Indian.
- Q Well what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

Subscribed and sworn to before me this 20th day of September 1901.

G. Rosenwinkel
David Shelby
 Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

U. S. R. 3350

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

William Shelby Perkins,
Prattville, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willetta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adelino Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annie Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, B. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totay Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamo Bixby.

Registered.

Acting Chairman.

COPY.

MCR 3350

Muskogee, Indian Territory, November 20, 1905.

William Shelby Perkins,
Prattville, Texas.

Dear Sir:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your three minor children, Carl, Iris Amy and Joe Perkins, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED

W. O. Beall

Acting Commissioner.

No.

3550

For Identification as a Mississippi Choctaw.

Date

AUG 26 1901

Name *William Shelby Perkins*

Age

28

Blood

1/8

Post Office, *Crattville, Texas*

Father: *Ira A. Perkins*

Mother: *Susan J. Perkins*

Claims through

mother

wife; Orrie Perkins
(no claim for her)

Children:

Carl Perkins 6

Iris Amy " 4

Joe " M 1

Claims for self and 3
children

Stenographer

G. Rosenwinkel

Choctaw MCR 3351

Duain Sheb Cross

See MCR 3878

MCR 3351

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. August 26, 1901.

3361

In the matter of the application of Duain Sheb Cross for identification of himself and his minor child as Mississippi Choctaws.

Applicant represented by attorney John London.

Duain Sheb Cross being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Duain Sheb, D-u-a-i-n S-h-e-b Cross.
Q What is your age? A Twenty-four.
Q What is your post-office address? A Roxton, Lemar County, Texas.
Q How long have you lived there? A Only two years.
Q Where did you live before you lived there? A I lived at Howland.
Q Texas? A Yes.
Q How long have you lived in Texas? A All my life.
Q What is your father's name? A James Shelby Cross.
Q Is he living? A Yes.
Q What is your mother's name? A Nancy A. Cross.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A What was the question?
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Alice Cross.
Q Is she living? A Yes.
Q Do you make application for your wife? No.
Q She is a white woman and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to make application at this time? A Yes--One.
Q What is that child's name? A Nannie Katherine. One year old.
Q How do you spell Katherine? A We have never decided whether it is spelled with a "K" or a "C". (By attorney: I have it spelled with a "K")
Q K-a-t-h-e-r-i-n-e? A Yes.
Q You are the child's father? A Yes.
Q What is the name of her mother? A Alice Cross.
Q When and where were you married to Alice Cross? A At Roxton.
Q When? A In July 19, 1899.
Q That is in Texas? A Yes.
Q Did you obtain a license to marry? A Yes.
Q Were you married by an ordained minister or an official? A By a minister.
Q Have you your marriage license and certificate and do you desire to offer them in evidence? A I have not got them with me.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife Alice in support of the application you make for your minor child.

- Q Is your name on any of the rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A You mean under what treaty?
- Q Yes? A I don't know that I understand the treaties just exactly.
- Q You know what treaty you claim under? A The treaty of eighteen hundred and thirty between the Mississippi Choctaws and the United States.
- Q You claim under the whole treaty or under a particular part of it? A I don't know that I understand it exactly. I don't know what all the treaty is.

The law under which the Commission is acting at this time in hearing these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and th that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This law gives the Commission authority to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi River but some of the Indians did not want to come and the others would not sign any treaty until some provision was made for those who wanted to stay there in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in Mississippi. After that article was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hun-

dred and thirty, provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under that article those Choctaws who wanted to stay there in Mississippi could go to the Indian Agent within six months from the ratification of this treaty and tell him that they wanted to stay in Mississippi and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed they would not have any part in the yearly payments of Choctaw money.

Q Is that the treaty under which you claim? A Yes under the fourteenth.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there and told him that they wanted to stay in Mississippi but when a locating Agent was sent down by the government to locate the land for these Indians it was found that there were a large number of Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay whose names were not on the list which the Indian Agent had made so under acts of Congress Commissioners were appointed and sent down into Mississippi to investigate and find out which of these Indians were entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases, some were allowed and some refused. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed had not already been sold it was given to them, if the land claimed had been sold they were given scrip which was redeemable at fifty cents per acre in land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Did any of your ancestors own land in any one of these States? A I don't know.

Q What was the name of your ancestor who lived in the Choctaw Nation in eighteen hundred and thirty, in Mississippi, and who was a recognized Choctaw Indian? A She was Rachel Shelton, she was a Folsom before she was married.

Q How much Choctaw blood did she claim to have? A She was a full blood.

- Q Did she live in Mississippi in eighteen hundred and thirty? A I don't know but I suppose she did.
- Q Well that is what you have always been taught? A Yes.
- Q What was your mother's father's name? A James Brackeen.
- Q What is your mother's mother's name? A Miranda Brackeen.
- Q Which one of your mother's parents claimed to be Choctaw? A My mother's mother.
- Q What was Miranda Brackeen's father's name? A Jesse Shelton.
- Q And what was her mother's name? A Rachel Shelton.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Her mother.
- Q Your great grandmother's name was Rachel Shelton and not Rachel Polson in eighteen hundred and thirty when this treaty was made? A I don't know.
- Q Well from family history what have you reason to think about that? A In eighteen hundred and thirty I suppose she was a Shelton then but I don't know.
- Q Did you ever hear that Rachel Shelton was enrolled in eighteen hundred and thirty? A Why I don't know that I did.
- Q Have you heard anything about that? A No.
- Q Did you ever hear whether she went to the Indian Agent there within six months after that treaty was ratified and told him that she wanted to stay there? A No.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to prove that Rachel Shelton was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that you are her lineal descendant. It will also be necessary for you to prove that she went to the Indian Agent within six months after that treaty was ratified and told him that she wanted to stay there or that she attempted to do so.

- Q Have you any evidence on any of these points? A Not here I haven't.
- Q You expect to procure such evidence? A Yes.
- Q Is there any other statement that you would like to make at this time? A No.
- Q Have you any papers that you want to file now? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

- Q Have you any witnesses here whose testimony you would like to offer? A None but Mrs. Moody and Mrs. Cook.
- Q You would like to have them examined? A Yes.
- Q Their testimony will be taken and made a part of the record on case.
- Q In this further evidence that you expect to secure do you think you will be able to bring your witnesses in person before the Commission for examination? A Some of them I can't they are not able to get here.
- Q Well could you get their depositions if you can't bring them here? A Yes.
- Q You understand that the oral testimony of witnesses carries more weight than depositions or affidavits? A Yes.

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Q And that it will be better to bring your witnesses here in person do you? A Yes.

This applicant has brown hair, blueish-grey eyes and medium complexion. His features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his great grandmother lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 9th day of November 1901.

Clara Mitchell Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, August 26, 1901.

In the matter of the application of Willet B. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Maloney et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350.

In the matter of the application of Duain Sheb Cross et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351.

In the matter of the application of Eddie B. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Fannie F. Gambill et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Fannie A. Cross Hledsoe et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Ballie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney John London appearing for applicants in above cases.

Fannie H. Cook being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie H. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
 Q Are you acquainted with Laura W. Brackwen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Jeal A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Fannie P. Gambill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter.
 Q Are these all of your children except minor children for whom you have applied? A Yes,-- I have a daughter but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g
 Q Are you acquainted with Ballie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you if any? A He is my nephew.
 Q Are you acquainted with Duain Shob Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlassen? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes/
 Q What relation is she to you, if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

#3.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers,
Sheb Perkins and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A
Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were
three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name
she goes by. That is her right name.----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlazzon.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of
Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter
of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss-- what was her mother's name? A
Nancy Cross.
- Q All of these applicants get their Choctaw blood through the
same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents?
A My mother.
- Q Miranda Brakeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her
parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified get
their Choctaw blood through Rachel Shelton? A Yes.
- Q Now was your grandmother Miranda Brakeen living in 1830? A
My Grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the eldest one of your mother's children? A No, I am
the youngest.
- Q How much older than you was the oldest one of your mother's
children? A I don't know---my oldest sister is about seven
years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or
Miranda Brakeen in eighteen hundred and thirty? A She was
Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I
do not.
- Q Did you know your grandmother personally? A No if I ever saw
her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your
mother Miranda Brakeen, either one of them, ever owned any land
in Mississippi, Arkansas, Louisiana or Alabama? A I don't
know for certain whether they owned land or not

- Q Do you know whether either of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarks-ville.
- Q In what State? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen hundred thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness excused -

Susan J. Perkins being called as a witness, duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post-office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sisters children and my own together, I have some in there.
- Q Your children and your sisters children? A Yes.
- Q And your sisters grand children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name. A Rachel Shelton.
- Q And which one of your parents claimed to be a Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died? A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38.
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi? A I don't know that she did.
- Q You never heard? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just as kind of guessing at it or supposing it? A No I don't know it? I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring.

-By Attorney -

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; Did she have the features of a full blood Indian? A Yes a good deal that way. We always thought that she was a full blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not? A I never heard whether she did or not. She never talked very much at all. When any body came near her she would pick up her chair and go off. She never would stay where there was Company. She would rather be off herself than with anybody.

Witness excused.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post-office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Hledsoe and Sallie Homer Mergen? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part of them I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes, I knew all of her children.
- Q Are these people all relatives? A Yes sir.
- Q They all claim to get their Choctaw blood through Rachel Shelton? A Yes that is what they claim.
- Q Did you know Rachel Shelton? A Yes.
- Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
- Q Do you remember how she looked? A Yes she was a dark skinned woman.
- Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
- Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Gross and Mrs. Perkin's mother and I think she must have been dead when they moved to this country. I knew all of their children.
- Q You don't know anything at all about Mrs. Shelton in Mississippi? A No not at all.
- Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
- Q You never heard her speak about that? A No I never did and I never heard the Shelton's mention anything of the kind.
- Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
- Q You say that she looked to be Indian? A Yes she looked to be Indian.
- Q Well that made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

Subscribed and sworn to before me this 20th day of September, 1901.

[Signature]
 Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3351

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Duain Sheb Cross,

Roxton, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse B. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willettta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W Murphy, et al .	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adelino Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Birba.

Acting Chairman.

Registered.

COPY.

MCR 3361

Muskogee, Indian Territory, November 20, 1905.

Duain Sheb Cross,
Roxton, Texas.

Dear Sir:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your minor child, Nannie Catherine Cross, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED

W. O. Beall
Acting Commissioner

For Identification as a Mississippi Choctaw

Date AUG 26 1901

Name Duain Shelby Cross

Age 24 Blood $\frac{1}{8}$

Post Office, Roton, Texas

Father: James Shelby Cross

Mother: Nancy A. Cross

Claims through Mother
wife: Alice Cross
(no claim for her)

Children:

Nannie Katherine

Claims for self and child

Stenographer

G. Rosenwinkel

Choctaw MCR 3352

Eddie B. Cross

See MCR 3878

MCR 3352

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

3352

In the matter of the application of James Shelby Cross for the identification of his minor son Eddie B. Cross as a Mississippi Choctaw.

Attorney John London representing applicant.

James Shelby Cross being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James Shelby Cross, James S., is the way I sign it.
- Q What is your age? A I am sixty-four.
- Q What is your post-office address? A Howland, Lamar County, Texas.
- Q What is your purpose in appearing before the Commission to-day? A Well to,---I don't know exactly how to call that. To represent my boy as a Choctaw I reckon to try to get his claim as a Choctaw.
- Q You don't claim to have any Choctaw blood? A I don't claim any Choctaw blood myself.
- Q You don't make any application for yourself? A No not for myself. My son gets his Choctaw blood through his mother.
- Q Is his mother living? A No she is dead.
- Q What is your son's name and age? A His name?
- Q Yes? A Eddie B. Cross.
- Q And what is his age? A Fourteen.
- Q What was his mother's name? A Nancy A. Cross.
- Q And she is dead? A Yes.
- Q How much Choctaw blood do you claim for your son? A One-eighth I reckon.
- Q Have you your marriage license and certificate and do you wish to offer them in evidence? A Not with me.

It will be necessary that you offer evidence of your marriage in support of the application you make for your son.

- Q A I can get that afterward.
- Q Was your wife ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know, I don't reckon she was.
- Q Has any application ever been made to the Choctaw tribal authorities in Indian Territory to have your child enrolled as a member of that tribe? A No.
- Q Was application made in eighteen hundred and ninety-six to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10, 1896 for your child? A No.
- Q Has your child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No I think not.

#2

- Q Has your child been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Has any application ever been made before this time to either the Choctaw tribal authorities or the authorities of the United States to have your child admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind that has ever been made for your son? A Yes.
- Q Do you claim for him now as a Mississippi Choctaw? A Yes.
- Q Do you know anything about his mother's family and how your son gets his Choctaw blood? A Well it is through his grandmother. It is on his mother's mother's side.
- Q What was your wife's mother's name? A Her name was Shelton.
- Q What was your wife's mother's name? A She was a Shelton.
- Q Well what was her given name? A Miranda.
- Q Miranda what? A Miranda Shelton.
- Q That was her name before she was married? A After she was married.
- Q You don't know very much about your wife's people? A Not very much.
- Q Do you know which one of your son's ancestors was living in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A I don't understand that question.
- Q Do you know which one of your son's ancestors was living in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Well no,--Folsom was one of the ancestors, the old one.
- Q Do you know what the given name was? A I don't know what that was.
- Q Is there anybody here who knows about your son's ancestry whose testimony you would like to have in support of the application you make for him? A Why Mrs. Moody here or Mrs. Perkins they all know him.
- Q What relation is Mrs. Moody? A Nine.
- Q What relation is Mrs. Perkins? A She is his aunt.

Examination by Attorney London.

- Q What was your wife's name when you married her? A She was a Brackeen.
- Q What was your wife's mother's name? A It was Miranda Brackeen.
- Q Do you know what your wife's grandmother's name was? A My wife's grandmother was a Shelton.

Examination by the Commission.

- Q When I asked you a little while ago what your wife's mother's name was you said it was Miranda Shelton, you were mistaken in that answer were you? A Yes.
- Q And her name was Miranda Brackeen? A Yes.
- Q You meant that her maiden name was Shelton? A Yes that is what I meant.

Applicant excused.

Susan J. Perkins called as a witness duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post-office address? A Prattville, Delta County Texas.

#3

- Q You are an applicant here for identification as a Mississippi Choctaw? A Yes.
- Q Are you acquainted with James Shelby Cross who has just made application for his son Eddie B. Cross? A Yes.
- Q What relation is he to you if any? A He is my brother in law he married my sister.
- Q And what relation is his son to you? A He is my nephew.
- Q Your sister's son? A My sister's child.
- Q What was Eddie B. Cross's mother's name? A Nancy Cross.
- Q And Eddie B. Cross gets his Choctaw blood through his mother? A Yes.
- Q And his mother was your full sister? A Yes my full sister.
- Q Through which one of your parents do you and Nancy Cross get your Choctaw blood? A From our mother.
- Q Then Eddie B. Cross gets his Choctaw blood through the same common ancestor that you do? A Yes.
- Q What was that ancestor's name? A Miranda Brackeen.
- Q That was your mother? A Yes.
- Q Well which one of the ancestors of Eddie B. Cross was living in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian? A His greatgrandmother, because my mother was not living in the old Choctaw Nation at that time.
- Q Well I am asking you which one of the ancestors of Eddie B. Cross was living in the old Choctaw Nation in eighteen hundred and thirty and was a Choctaw Indian? A Rachel Shelton.
- Q What relation was she to him? A His greatgrandmother.
- Q What did you mean by saying a minute ago that your mother did not live in the Choctaw Nation? A Not at that time. She did not live in the Choctaw Nation at that time.
- Q Where was she living? A She came to Texas in
- Q In eighteen hundred and thirty? A No not at that time.
- Q When did she come to Texas? A About in eighteen hundred and thirty seven.
- Q Do you know how old your mother was in eighteen hundred and thirty? A No I don't know her age exactly.
- Q Then you don't-- A She was born in 1816.
- Q She was about fourteen years old in eighteen hundred and thirty when the treaty was made. Is that right? A I reckon so I don't know exactly how old she was. I know that is her age set down in the bible.
- Well you know that this Eddie B. Cross for whom James Shelby Cross has just made application is your sister's child and that he gets his Choctaw blood through your sister and your sister through your mother and grandmother? A Yes.

Witness excused.

Applicant recalled.

If you wish to offer any further evidence in support of your application which you make for your son, to show that he is a grandson of Rachel Shelton and that Rachel Shelton was a Choctaw Indian and lived in the old Choctaw Nation in 1830 and that she went to the Indian Agent there within six months after the treaty was ratified and signified her intention of remaining there in Mississippi or tried to do so, the Commission will accept the same and will make it a part of the record in this case. If you wish to offer any documentary evidence in support of this application you will be permitted to do so or if you wish to bring witnesses in person before the Commission you will

will be permitted to do so. The testimony of Mrs. Cook and Mrs. Neady will be taken in support of the application you make for your son.

G. Rosenwinkel, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

G. Rosenwinkel
Clara Mitchell Ford
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet R. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2928

In the matter of the application of Melinda Malaney, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie R. Cook, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justian for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350

In the matter of the application of Duain Shab Cross, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Greshill, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Nannie A. Cross Bledsoe, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney John London appearing for applicants in above cases.

Fannie E. Cook, being first duly sworn, testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My Daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Nannie P. Gambill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter
 Q Are these all of your children except minor children for whom you have applied? A Yes, -I have a daughter, but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Duain Shab Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlassen? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you, if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you, if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you, if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you, if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
- A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers, Shob Perkins and Ira Perkins.
- Q Is Shob Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A Nine.
- Q Have you named all of them? A Yes, I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe, is that it? A Yes, I don't know what other name she goes by. That is her right name.---Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Shob.
- Q What is his other name? A Duain Shob Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of Willie Cross.
- Q That is a grand-child of Nancy Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justins--what was her mother's name?
- A Nancy Cross.
- Q All these applicants get their Choctaw blood through the same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents?
- A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother, Rachel Shelton.
- Q Then all of these applicants about whom you have testified get their Choctaw blood through Rachel Shelton? A Yes.
- Q How was your grandmother Miranda Brackeen living in 1830?
- A My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know,--my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No, if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them, ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarksville.
- Q In what state? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Excused -

Susan J. Perkins, being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet V. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Shob Cross, Eddie B. Cross, Susan E. McGlasson, Nannie W. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they ~~all~~ related to you? A Yes.
- Q How are they related to you? A They are my sisters' children and my own together, I have some in there.
- Q Your children and your sisters' children? A Yes.
- Q And your sisters' grand-children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal-black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died?
 A No; she came to Texas.
 Q When did she come to Texas? A She came to Texas about '38.
 Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
 A I don't know that she did.
 Q You never heard? A No, I never heard.
 Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
 Q Well, you don't know about that, you are just a kind of guessing at it or supposing it? A No, I don't know it. I just supposed by their living there that they owned a home.
 Q How old were you when you saw your grandmother last? A I was seventeen.
 Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
 Q About how old were you when she died? A I was in my seventeenth year.
 Q Then it was just a short time after you saw her the last time that she died? A Yes; I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
 Q Do you remember the color of her eyes? A No, I don't.
 Q Now, you know an Indian; did she have the features of a full-blood Indian? A Yes, a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
 Q Do you know whether she talked the Choctaw language or not?
 A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness excused.

Mrs. Lou Moody, being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
 Q What is your age? A Fifty-four.
 Q What is your post office address? A Paris, Lamar County, Texas.
 Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie H. Cook, Sallie Stanley, Mattie Miranda Justian, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan P. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Bladson and Sallie Homer Morgan? A Part of these I know. I know the family and the children, but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always, but her younger children I don't know.
 Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes; I know all of her children.
 Q Are these people all relatives? A Yes, sir.
 Q They all claim to get their Choctaw blood through Rachel Shelton?
 A Yes; that is what they claim.
 Q Did you know Rachel Shelton? A Yes.
 Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
 Q Do you remember how she looked? A Yes; she was a dark skinned woman.
 Q If you had not heard that she was Indian would you have judged her to be one from her appearance? A Yes; I would and would have judged nearly all of her children to be part Indian that I ever saw.
 Q You did not know her before you knew her in Texas? A No; I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkins' mother and I think she must have been dead when they moved to this country. I knew all of their children.
 Q You don't know anything at all about Mrs. Shelton in Mississippi?
 A No, not at all.
 Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No, I never heard anything about that.
 Q You never heard her speak about that? A No, I never did and I never heard the Sheltons mention anything of the kind.
 Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
 Q You say that she looked to be Indian? A Yes, she looked to be Indian.
 Q Well, what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 10th day of September, 1901.

Wm. Shelby

Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

A. C. R. 3350

ALL REPLY ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Eddie B. Cross,

Nowland, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willetta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Week P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Bunn Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tamm C. Jones*

Registered.

Acting Chairman.

MCR 3352

COPY.

Muskogee, Indian Territory, November 20, 1905.

James S. Cross,
Howland, Texas.

Dear Sir:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of your minor son, Eddie B. Cross, as a Mississippi Choctaw, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED

W. O. Beall
Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG 26 1901

Name James A. Cross

Age 64 Blood

Post Office, Howland, Texas

Father:

Mother:

Claims through

Children:

Eddie B. Cross 14 1/8

Mother: Nancy A. Cross
(dead)

Applies for child alone.

Stenographer

G. Rosenwinkel

Choctaw MCR 3353

Susan F. McGlasson

See MCR 3878

MCR 3353

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

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In the matter of the application of Susan Francis McGlasson for identification of herself and her two minor children as Mississippi Choctaws.

Applicant represented by attorney John London.

Susan Francis McGlasson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Susan Francis McGlasson, M-e--G-l-a-s-s-o-n
Q What is your age? A Thirty.
Q What is your post-office address? A Howland, Lemar County, Texas.
Q How long have you lived there? A All my life. You mean in Howland or in Texas.
Q In Texas? A I have lived there all my life.
Q You never had a home anywhere else? A No.
Q What is your father's name? A James S. Cross.
Q Is he living? A Yes.
Q What is your mother's name? A Nancy A. Cross.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Emmett G. McGlasson.
Q Is he living? Yes.
Q Do you make application for your husband? A No/
Q He is a white man and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to make application at this time? A Yes.
Q How many? A Two.
Q Give the names and ages of these Children? A Clement, C-l-e-m-e-n-t McGlasson.
Q How old? A Six years.
Q Next? A Ernest W. McGlasson.
Q How old? A Eighteen months.
Q These are both your children? A Yes.
Q What is the name of their father? A Emmett G. McGlasson.
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in eighteen hundred and ninety six make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10th 1896? A No.

- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever applied before this time, to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What do you claim now? A To be a Mississippi Choctaw.
- Q You claim that right under any of the treaties between the United States and the Choctaw Indians? A Under the treaty of eighteen hundred and thirty.
- Q Under the whole treaty or under some particular part? I don't know about that, I don't understand the treaty just exactly.

The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh eighteen hundred and thirty and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Under this law the Commission has the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and a few of them in the western part of Alabama, in order to move them all west of the Mississippi River and give them land there in exchange for their land in those States but some of the Indians did not want to come and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons

who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now under this article those Indians who wanted to stay there in Mississippi could go to the Indian Agent and tell him that they wanted to stay there and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not be entitled to any part of the yearly payments of Choctaw money.

Within six months after the treaty was ratified a great many Indians went to the Indian Agent and told him that they wanted to stay there but when the government sent a locating Agent to locate the land for these Indians he found that there were a large number of Indians who claimed to have gone to the Indian Agent and told him that they wanted to stay there whose names did not appear on the list which the Indian Agent had made so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed to go down into Mississippi and look into this matter and find out who really were entitled to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on a large number of claims. Some of them they allowed and some they refused. In those cases where the claims were allowed by the Commissioners and their action approved by the Secretary of War if the land which the Indians claimed had not already been sold it was given to them. If the land had been sold they were given scrip which was redeemable at the rate of fifty cents per acre in land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in eighteen hundred and thirty who was a recognized Choctaw Indian? A Rachel Shelton.
- Q What relation was she to you? A My greatgrandmother.
- Q What was your mother's father's name? A James Brackeen.
- Q What was your mother's mother's name? A Miranda Brackeen.
- Q Which one of your mother's parents claimed to be Choctaw? A A Her mother.
- Q What was Miranda Brackeen's father's name? A Jesse Shelton.
- Q What was her mother's name? A Rachel Shelton.
- Q And which one of Miranda Brackeen's parents claimed to be Choctaw? A Her mother Rachel Shelton.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A In Mississippi I think.
- Q Did Rachel Shelton go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay there in the State of Mississippi? A I don't know.
- Q Did Rachel Shelton own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.
- Q How much Choctaw blood did Rachel Shelton claim to have? A She was a full blood.
- Q Have you any evidence of that? A I think so.
- Q Have you it with you? A Well I have some witnesses here.
- Q Who are they? A Mrs. Moody and my aunt Mrs. Cook.

- Q Would you like to have their testimony in your case? A Yes.
Q Their testimony will be taken in your case.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that your great grandmother Rachel Shelton lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and that you are her lineal descendant and also to show that she within six months after the ratification of this treaty went to the Indian Agent and told him that she wanted to stay there and take land and become a citizen of the United States or attempted to do so.

- Q Have you any evidence on these points now? A I think not.
Q You understand the importance of securing evidence on these points do you? A Yes.
Q Is there any other statement that you would like to make at this time in support of your application? A No.
Q Have you any papers that you want to file now? A No.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has brown hair and brownish gray eyes and rather dark complexion. Her features and general appearance are those of a white woman and she shows no traces of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from her testimony that her ancestor lived in the old Choctaw Nation in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 9th day of November 1901.

Charles Mitchell
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2928

In the matter of the application of Melinda Malaney, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2988

In the matter of the application of Sallie Stanley, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350

In the matter of the application of Duain Sheb Cross, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Gambill, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Nannie A. Cross Bledsoe, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Sallie Homer Morgan for identification as Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney: Am London appearing for applicants in above cases.

Fannie B. Cook, being first duly sworn, testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie B. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My Daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Nannie F. Gambill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter.
 Q Are these all of your children except minor children for whom you have applied? A Yes, -I have a daughter, but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you, if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

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- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you, if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you, if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you, if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
- A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers, Sheb Perkins and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A Nine.
- Q Have you named all of them? A Yes, I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe, is that it? A Yes, I don't know what other name she goes by. That is her right name,---Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of Willie Cross.
- Q That is a grand-child of Nancy Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss--what was her mother's name?
- A Nancy Cross.
- Q All these applicants get their Choctaw blood through the same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents?
- A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother, Rachel Shelton.
- Q Then all of these applicants about whom you have testified get their Choctaw blood through Rachel Shelton? A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830?
- A My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know,--my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No, if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them, ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarks-ville.
- Q In what state? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Exposed -

Susan J. Perkins, being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan E. McGlasson, Mennie E. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Mennie A. Cross Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sisters' children and my own together, I have some in there.
- Q Your children and your sisters' children? A Yes.
- Q And your sisters' grand-children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal-black hair and very dark skin.

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- Q Did your grandmother remain in Mississippi until she died?
A No; she came to Texas.
Q When did she come to Texas? A She came to Texas about '38.
Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know that she did.
Q You never heard? A No, I never heard.
Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
Q Well, you don't know about that, you are just a kind of guessing at it or supposing it? A No, I don't know it. I just supposed by their living there that they owned a home.
Q How old were you when you saw your grandmother last? A I was seventeen.
Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
Q About how old were you when she died? A I was in my seventeenth year.
Q Then it was just a short time after you saw her the last time that she died? A Yes; I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
Q Do you remember the color of her eyes? A No, I don't.
Q Now, you know an Indian; did she have the features of a full-blood Indian? A Yes, a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness excused.

Mrs. Lou Moody, being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
Q What is your age? A Fifty-four.
Q What is your post office address? A Paris, Lamar County, Texas.
Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justice, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan W. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Part of these I know. I know the family and the children, but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always, but her younger children I don't know.
Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes; I know all of her children.
 Q Are these people all relatives? A Yes, sir.
 Q They all claim to get their Choctaw blood through Rachel Shelton?
 A Yes; that is what they claim.
 Q Did you know Rachel Shelton? A Yes.
 Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
 Q Do you remember how she looked? A Yes; she was a dark skinned woman.
 Q If you had not heard that she was Indian would you have judged her to be one from her appearance? A Yes; I would and would have judged nearly all of her children to be part Indian that I ever saw.
 Q You did not know her before you knew her in Texas? A No; I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkins' mother and I think she must have been dead when they moved to this country. I knew all of their children.
 Q You don't know anything at all about Mrs. Shelton in Mississippi?
 A No, not at all.
 Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No, I never heard anything about that.
 Q You never heard her speak about that? A No, I never did and I never heard the Sheltons mention anything of the kind.
 Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
 Q You say that she looked to be Indian? A Yes, she looked to be Indian.
 Q Well, what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of September, 1901.

David Shelby

Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3353

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Susan F. McGlasson,

Howland, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R	3883
Eli J Shelton,	M C R	3884
Ethel Pearl Shelton,	M C R	3885
Irene Thomas, et al.,	M C R	3886
Florence Carson,	M C R	3887
Lola A. Haraway, et al.,	M C R	3888
Ada A. Shelton, et al.,	M C R	3889
Idella Garland, et al.,	M C R	3890
Maud M. Shipe,	M C R	3891
James M. Yates,	M C R	3892
Victor L. McGlasson, et al.,	M C R	3893
Cora Therese Porter,	M C R	3894
Cora Estelle Lindsay, et al.,	M C R	3895
Georgia B. Porter,	M C R	3896
Johnnie G. Berry et al.,	M C R	3897
Marie F. Kidd, et al.,	M C R	3898
Clarence Greenwood Hilburn,	M C R	3899
Willetta M. Murphy, et al.,	M C R	3900
Emma G. Stafford, et al.,	M C R	3901
Melville Yates, et al.,	M C R	3902
Walter A. Jones, et al.,	M C R	3903
Verner D. Jones,	M C R	3904
Arthur L. Jones, et al.,	M C R	3905
Herbert I. Jones,	M C R	3906
Gus B. Shelton,	M C R	3907
Jack R. Garland, et al.,	M C R	3908
Nannie L. Garland,	M C R	3912
Joella G. Garland,	M C R	3913
Leda M. Garland,	M C R	3914
Mary Gertrude Grant,	M C R	3915
Lucinda A. Johnson, et al.,	M C R	3916
Joseph R. Johnson,	M C R	3917
Wirtter R. Garland, et al.,	M C R	3922
Lamartine R. Latimer, et al.,	M C R	3923
Homer Murphy, et al.,	M C R	3924
John W. Murphy, et al.,	M C R	3925
Jennie B. Tucker, et al.,	M C R	3926
James M. Yates, jr., et al.,	M C R	3927
Napoleon S. Young, et al.,	M C R	3928
Robert S. Hilburn, et al.,	M C R	3929
William N. Yates, et al.,	M C R	3930
Thomas M. Murphy,	M C R	3964
Thomas, S. Young, et al.,	M C R	3971
William C. Hilburn,	M C R	3972
Robert Clarence Montgomery,	M C R	3973
Henry R. Latimer, et al.,	M C R	3974
Fannie Montgomery, et al.,	M C R	3975
Harvey O. Jones,	M C R	3976
Eugene S. Wood,	M C R	3977
Porter A. Bywaters,	M C R	3978
Malcolm W. Forbes,	M C R	3979
Napoleon W. Young, et al.,	M C R	3980
May R. Rush, et al.,	M C R	3981
Lena C. Strickland, et al.,	M C R	3982
R. Shelton Bywaters,	M C R	3983
Frank E. Wood,	M C R	3984
Alice P. Bywaters, et al.,	M C R	3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dinkley

Acting Chairman.

Registered.

MCR 3363

COPY.

Muskogee, Indian Territory, November 20, 1905.

Susan F. McGlasson,
Howland, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your two minor children, Clement C. and Ernest W. McGlasson, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED

W. O. Beall
Acting Commissioner.

No. 523

For Identification as a Mississippi Choctaw.

Date AUG 26 1901

Name Susan F. McGlasson

Age 30

Blood

1/8

Post Office, Howland Texas

Father: Jas. S. Cross

Mother: Nancy A. Cross (dead)

Claims through mother

husband: Emmett S. McGlasson
(no claim for him)

Children:

Clarence, it. C McGlasson 6

Ernest W " 18 mo.

Claims for self and 2 children

Stenographer

E. Rosenmunkel

Choctaw MCR 3354.

Nannie F. Gambill

• See MCR 3878

MCR 3354

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

3354

In the matter of the application of Nannie F. Gambill for identification of herself and her two minor children as Mississippi Choctaws.

Applicant represented by attorney John London.

Nannie F. Gambill being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nannie F. Gambill.
Q How do you spell that? A G-a-m-b-i-l-l
Q What is your age? A Thirty-one.
Q What is your post-office address? A Marietta, Indian Territory, Chickasaw Nation.
Q How long have you lived there? A Eleven years.
Q Where did you live before you lived there? A In Lemar County, Atlas, was my post-office.
Q How long did you live in Texas? A Twenty-one years.
Q You were born in Texas? A Yes.
Q And lived there until you moved to the Indian Territory? A Yes.
Q What is your father's name? A Joel J. Shannon.
Q Is he living? A No.
Q What is your mother's name? A Fannie B. Cook.
Q C-o-o-k-e? A No C-o-o-k.
Q Is she living? A Yes.
Q Through which one of your parents do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Robert L. Gambill.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A He is a white man.
Q Have you any children for whom you wish to make application at this time? A Yes two.
Q Give the names and ages of these children? A Roger, N. Gambill.
Q How old? A Twelve years. Mamie U. Gambill
Q How old is Mamie U? A She is seven years.
Q Any more? A No that is all.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Robert L. Gambill.
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

#2

- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory or the United States authorities, to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I wish to be identified as a Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes under the treaty of eighteen hundred and thirty.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A Article fourteen.
- Q Do you understand the provisions of that article of the treaty? A Not good.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and some of them in the Western part of Alabama for the purpose of moving them to the Country west of the Mississippi River and give them land here in exchange for their land in those states but some of the Indians did not want to come and the others would not sign any treaty until something was done for those Choctaws who wanted to stay there in Mississippi so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to stay there in Mississippi. After this article was inserted in the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty provided:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article if any of the Indians wanted to stay there in Mississippi they could go to the Indian Agent within six months after that treaty was ratified and tell him that they wanted to stay and they would get land for themselves and their children from the government and if they lived in that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed

they would not get any part of the Choctaw yearly payments of money.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent and told him that they wanted to stay there and take land but when a locating agent was sent down by the government to locate the land for these Indians it was found that there were a great many who claimed that they had gone to the Indian Agent and told him that they wanted to stay whose names did not appear on the list which the Indian Agent had made so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed to go down into Mississippi and find out which of these Indians really had a right there in Mississippi under this fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases, in those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them. If it had been sold they were given scrip with which they could buy land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Rachel Shelton.
- Q What relation was she to you? A My greatgrandmother.
- Q How much Choctaw blood did she claim to have? A I suppose she was a full blood from the talk.
- Q Did she have any Choctaw name? A Not that I know of.
- Q What was your mother's mother's name? A Miranda Brackeen.
- Q What was your mother's father's name? A James M. Brackeen.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q What was your grandmother's father's name? A Jesse Shelton.
- Q What was your grandmother's mother's name? A Rachel Shelton.
- Q Through which one of your grandmother's parents did she get her Choctaw blood? A Through her mother.
- Q Did Rachel Shelton go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay there? A I don't know.
- Q You never heard? A Never heard.
- Q Do you know whether she owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know it is supposed that she did.
- Q In which one of these states? A Why she came from Mississippi, I don't know whether she owned land in that State or in Arkansas. Her husband was a great trader. He bought and sold slaves.
- Q Do you know how your great grandmother acquired that land if she owned any there? A No.
- Q Do you know in what County that land was? A In Lowndes County I think, I am not sure.
- Q Do you know that you can have the record of land transfers in that County examined and find out how your great grandmother owned that land there, how she got it and what disposition was made of it? A Yes I suppose you could.
- Q You understand it is a matter of considerable importance to your case to find out how this land was owned? A Yes.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to secure evidence to show that your great grandmother Rachel Shelton was a recognized Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty and that you are her lineal descendant also that she within six months after the treaty was ratified went to the Indian Agent and told him that she wanted to stay there or that she attempted to do so.

- Q Have you any evidence on these points? A Not at present.
 Q Can you secure any such evidence do you think? A I think so I expect to try.
 Q Are there any other statements that you would like to make at this time in support of your application? A No I think not.
 Q Have you any papers that you want to file now? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has brown hair, slightly wavy, dark brown eyes and dark complexion. Her features and general appearance are those of a whitewoman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from her testimony that they lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 28, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901.

Edna Mitchell W. W.
 Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Malaney, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350

In the matter of the application of Duain Sheb Cross, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Gambill, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Nannie A. Cross Bledsoe, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney John London appearing for applicants in above cases.

Fannie E. Cook, being first duly sworn, testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My Daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Nannie F. Gambill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter
 Q Are these all of your children except minor children for whom you have applied? A Yes, -I have a daughter, but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you, if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you, if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you, if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you, if any? A Niece.
- Q Mention the names of your sister's children, Susan J. Perkins?
- A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers, Sheb Perkins and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A Nine.
- Q Have you named all of them? A Yes, I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe, is that it? A Yes, I don't know what other name she goes by. That is her right name.---Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of Willie Cross.
- Q That is a grand-child of Nancy Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss--what was her mother's name?
- A Nancy Cross.
- Q All these applicants get their Choctaw blood through the same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents?
- A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother, Rachel Shelton.
- Q Then all of these applicants about whom you have testified get their Choctaw blood through Rachel Shelton? A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830?
- A My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know,--my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No, if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them, ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarks-ville.
- Q In what state? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Examined -

Susan J. Perkins, being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Dumin Shab Cross, Eddie B. Cross, Susan F. McGlassen, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sisters' children and my own together, I have some in there.
- Q Your children and your sisters' children? A Yes.
- Q And your sisters' grand-children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestors name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes.
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal-black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died?
 A No; she came to Texas.
 Q When did she come to Texas? A She came to Texas about '38.
 Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
 A I don't know that she did.
 Q You never heard? A No, I never heard.
 Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
 Q Well, you don't know about that, you are just a kind of guessing at it or supposing it? A No; I don't know it. I just supposed by their living there that they owned a home.
 Q How old were you when you saw your grandmother last? A I was seventeen.
 Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
 Q About how old were you when she died? A I was in my seventeenth year.
 Q Then it was just a short time after you saw her the last time that she died? A Yes; I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
 Q Do you remember the color of her eyes? A No, I don't.
 Q Now, you know an Indian; did she have the features of a full-blood Indian? A Yes, a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
 Q Do you know whether she talked the Choctaw language or not?
 A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself than with anybody.

Witness excused.

Mrs. Lou Moody, being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
 Q What is your age? A Fifty-four.
 Q What is your post office address? A Paris, Lamar County, Texas.
 Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Part of these I know. I know the family and the children, but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always, but her younger children I don't know.
 Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes; I know all of her children.
 Q Are these people all relatives? A Yes, sir.
 Q They all claim to get their Choctaw blood through Rachel Shelton?
 A Yes; that is what they claim.
 Q Did you know Rachel Shelton? A Yes.
 Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
 Q Do you remember how she looked? A Yes; she was a dark skinned woman.
 Q If you had not heard that she was Indian would you have judged her to be one from her appearance? A Yes; I would and would have judged nearly all of her children to be part Indian that I ever saw.
 Q You did not know her before you knew her in Texas? A No; I never saw her but once here but I knew all of her children except Mrs. Cross and Mrs. Perkins' mother and I think she must have been dead when they moved to this country. I knew all of their children.
 Q You don't know anything at all about Mrs. Shelton in Mississippi?
 A No, not at all.
 Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No, I never heard anything about that.
 Q You never heard her speak about that? A No, I never did and I never heard the Sheltons mention anything of the kind.
 Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
 Q You say that she looked to be Indian? A Yes, she looked to be Indian.
 Q Well, what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

Subscribed and sworn to before me this 20th day of September, 1901.

David Shelby
 Notary Public.

REFER IN REPLY TO THE FOLLOWING:
.....
.....
.....
MCR 3354

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1905.

Nannie F. Gambill,
Marietta, Indian Territory.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your two minor children, Roger N. and Mamie N. Gambill, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

W. O. Beall

Acting Commissioner.

COPY.

HENRY L. DAWES
TAMM BERRY
THOMAS B. NICHOLS
C. R. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

U. S. D. 3354

ALLISON I. AYLSWORTH
CLERK

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Nannie F. Gambill,

Arlotta, Indian Territory.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Robertta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willette M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Naunie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Lealie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion I. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

WITNESSED

Tama Birbu.

Registered.



Acting Chairman.

Register to

Nannie F. Gambill,

Marietta, Ind. Ter.

and return to M.C.R. 3354

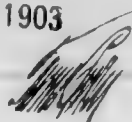
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE TWO CIVILIZED TRIBES.

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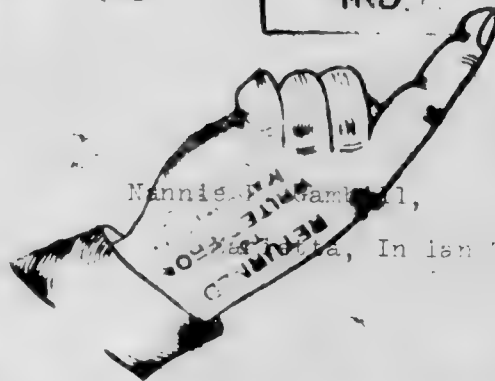
Department of the Interior.

Commission to the Five Civilized Tribes,

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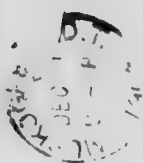
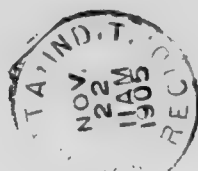


Nannie Campbell,

Muskogee, Indian Territory.

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3354

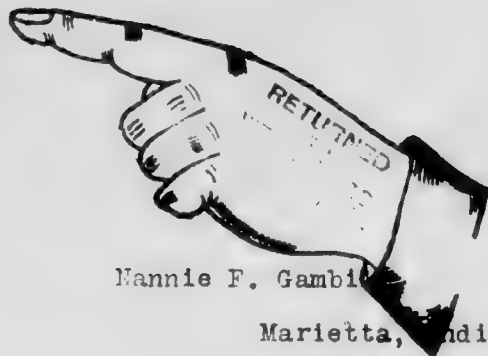
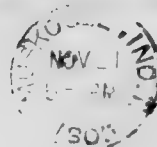


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COMMISSION TO FIVE TRIBES.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Nannie F. Gambi

Marietta, Indian Territory.

No. — 351 —

For Identification as a Mississippi Choctaw.

Date AUG 26 1901

Name Nannie F. Gambill

Age 31

Blood 1/8

Post Office, Marietta, D. T.

Father: Joel J. Shunnor (dead)

Mother: Fannie E. Cook

Claims through mother
husband, Robert L. Gambill
(no claim for him)

Children:

(Roger N. Gambill 12

Mamie W. " 7

Claims for self and 2
children

Stenographer

G. Rosenthal

Choctaw MCR 3355

Nellie W. Cross

See MCR 3878

MCR 3355

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

3355

In the matter of the application of Cora K. Williams for the identification of her minor daughter Nellie W. Cross as a Mississippi Choctaw.

Attorney John London representing applicant.

Cora K. Williams being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Cora K. Williams.
- Q What is your age? A Thirty-two.
- Q What is your post-office address? A Howland, Lamar County, Texas.
- Q What is your purpose in coming before the Commission now? A Well I suppose it would be to establish the fact where my little girl gets her Choctaw blood.
- Q You want to make application for your little daughter then? A Yes.
- Q You don't make any application for yourself? A No.
- Q You are a white woman? A Yes.
- Q Is your child's father dead? A Yes.
- Q And she gets her Choctaw blood through her father? A Through him Yes.
- Q What is your child's name and age? A Nellie W. Cross, age thirteen.
- Q What is her father's name? A Willie S. Cross.
- Q He is dead you say? A Yes.
- Q And your child gets her Choctaw blood through her father? A Yes.
- Q And how much Choctaw blood do you claim for your child? A Well her grandmother claims one-quarter.
- Q And how much Choctaw was your husband? A He was one-eighth.
- Q And the child would have been? A One-sixteenth.
- Q Has your child's father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.
- Q Has any application ever been made for your child to the Choctaw tribal authorities to have her enrolled as a member of that tribe? A No.
- Q Did any one make application for her in 1896 to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Was she admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A What was the question.
- Q Was she admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Was she ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

#2

- Q Has any application ever been made before to either the Choctaw tribal authorities or the authorities of the United States to have your child admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind that has ever been made for it? A Yes.
- Q Are you familiar with your husband's ancestry from family history? A Why I know his mother and father but I don't know his whole ancestry.
- Q Are you very familiar with his family history? A With his immediate family but not with his ancestry.
- Q What was your husband's father's name? A James S. Cross.
- Q What was your husband's mother's name? A Nancy A. Cross.
- Q Through which one of your husband's parents did he get his Choctaw blood? A His mother.
- Q Do you know what his mother's mother's name was? A No I don't.
- Q Do you know what the name was or did you ever hear? A Yes her mother's name was Miranda Brackeen but I never knew her.
- Q You know what her father's name was? A Yes, Mrs. Cross's father's name?
- Q Yes? A James Brackeen.
- Q Do you know which one of Mrs. Cross's parents claimed to be Choctaw? A They claimed it on her mother's side.
- Q Through Miranda Brackeen? A Yes.
- Q Do you know what her father's name was? A I don't know, I have been told, it was a Shelton.
- Q Do you know what his given name was? A Jesse Shelton.
- Q Do you know what Mrs. Cross's grandmother's name was? A Rachel.
- Q Do you know whether it was Jesse Shelton or Rachel Shelton that was claimed to be Choctaw? A Rachel Shelton.
- Q Are there any witnesses here who are familiar with your child's ancestry who could testify in regard thereto? A Yes.
- Q Who are they? A Mrs. Cook and Mrs. Perkins.
- Q They will be examined in regard to this case.
- Q Have you your marriage license and certificate? A No but I can get it without any trouble.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your child.

Attorney: the same will be submitted together with other documentary evidence in support of this application.

Applicant excused.

Susan J. Perkins called as a witness being duly sworn testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post-office address? A Prattville, Delta County, Texas.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Are you acquainted with Cora K. Williams who has just applied for her minor daughter Nellie W. Cross? A Yes.
- Q Are you acquainted with Cora K. Williams's parents? A Yes.
- Q What relation is she to you if any? A She is a niece by marriage.

#3

- Q She married your nephew? A Yes.
Q Are you acquainted with Nellie W. Cross? A Yes.
Q How long have you known her? A Ever since she was born.
Q You know that she is your nephews child? A Yes I know that.
Q What was your nephew's name? A William Cross, they always called him Willie.
Q What was William Cross's father's name? A J. S. Cross.
Q And what was his mother's name? A Nancy A. Cross.
Q Which one of his parents claimed to be Choctaw? A His mother.
Q Were you related to his father or his mother? A His mother.
Q What relation was she to you? A She was my sister.
Q Your full sister? A Yes.
Q She and you both got your Choctaw blood through the same source? A Yes.
Q Which one of your parents did you get that through? A Through my mother.
Q Then Nellie W. Cross gets her Choctaw blood through the same common ancestor that you do? A Yes.
Q And what is that ancestors name? A Rachel Shelton.
Q And what relation is she to Nellie W. Cross? A She is her great grandmother.
Q What relation is Rachel Shelton to you? A My grandmother.
Q Is not Rachel Shelton the great great grandmother of Nellie W. Cross? A Yes I reckon she is, because she is her father's great grandmother.

Witness excused.

Applicant recalled.

If you wish to offer any further evidence in support of the application you make for your child to show that she is a lineal descendant of Rachel Shelton and that Rachel Shelton was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and that she went to the Indian Agent there within six months after that treaty was ratified and told him that she wanted to stay there or attempted to do so, you will be permitted to do so and the same will be made a part of the record in your case. You can offer that in the form of oral testimony of witnesses, their depositions or affidavits or any documentary evidence that you may see fit to present.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 9th day of November 1901

Clara Mitchell
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Malaney, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justian, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350.

In the matter of the application of Duain Shob Cross, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Fannie F. Gambill, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Nannie A. Cross Bledsoe, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Sallie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney John London appearing for applicants in above cases.

Fannie E. Cook, being first duly sworn, testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brackeen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Nannie F. Gambill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter.
 Q Are these all of your children except minor children for whom you have applied? A Yes,--I have a daughter, but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Duain Sheb Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie E. Cross? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you, if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children Susan J. Perkins?
A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers,
Shob Perkins and Ira Perkins.
- Q Is Shob Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Winnie Ashiro.
- Q How many children did your sister Susan J. Perkins have? A
Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were
three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name
she goes by. That is her right name,----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Shob.
- Q What is his other name? A Duain Shob Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of
Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter
of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss--what was her mother's name? A
Nancy Cross.
- Q All of these applicants get their Choctaw blood through the
same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents?
A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her
parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified got
their Choctaw blood through Rachel Shelton. A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830? A
My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am
the youngest.
- Q How much older than you was the oldest one of your mother's
children? A I don't know--my oldest sister is about seven
years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or
Miranda Brackeen in eighteen hundred and thirty? A She was
Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I
do not.
- Q Did you know your grandmother personally? A No if I ever saw
her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your
mother Miranda Brackeen, either one of them ever owned any land
in Mississippi, Arkansas, Louisiana or Alabama? A I don't
know for certain whether they owned land or not.

#4

- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarksville.
- Q In what state? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Excused -

Susan J. Perkins, being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justice, William Shelby Perkins, Duain Sheb Cross, Eddie P. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Bladsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sister's children and my own together, I have some in there.
- Q Your children and your sisters' children? A Yes.
- Q And your sisters' grand-children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestor's name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes /
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal-black hair and very dark skin.

- Q Did your grandmother remain in Mississippi until she died?
A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know that she did.
- Q You never heard that? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it. I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring:

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full-blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself and than with anybody.

Witness Excused.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet F. Shannon, Laura W. Brackeen, Melinda Mahaney, Fannie H. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Garbhill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Eldscoe and Sallie Homer Morgan? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes I know all of her children.
- Q Are these people all relatives? A Yes sir.
- Q They all claim to get their Choctaw blood through Rachel Shelton?
 A Yes that is what they claim.
- Q Did you know Rachel Shelton? A Yes.
- Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
- Q Do you remember how she looked? A Yes she was a dark skinned woman.
- Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
- Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkins' mother and I think she must have been dead when they moved to this Country. I knew all of their children.
- Q You don't know anything at all about Mrs. Shelton in Mississippi?
 A No not at all.
- Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
- Q You never heard her speak about that? A No I never did and I never heard the Shelton's mention anything of the kind.
- Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
- Q You say that she looked to be Indian? A Yes she looked to be Indian.
- Q Well, what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

Subscribed and sworn to before me this 20th day of September, 1901.

Wm. Sherry
 Notary Public

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3355

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Nellie W. Cross,
Howland, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willetta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W Murphy, et al ,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Week P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Idu Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie E. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie E. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tamc Bixby.*

Registered.

Acting Chairman.

COPY.

MCR 3355

Muskogee, Indian Territory, November 20, 1905.

Cora K. Williams,
Howland, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of your minor child, Nellie W. Cross, as a Mississippi Choctaw, was consolidated and made a part of the Maggie Coleman case.

Respectfully,

Wm. O. Beall
Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG 26 1901

Name Cora K Williams

Age 32 Blood

Post Office, Howland Texas

Father:

Mother:

Claims through

Children:

1/16 Nellie M. Cross 13

Father: Willie D Cross (Dead)

Claims for her child only

Stenographer

G. Rosenwinkler

Choctaw MCR 3356

Joel A. Shannon

See MCR 3878

MCR 3356

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T., August 26, 1901.

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In the matter of the application of Joel A. Shannon for identification of himself and his five minor children as Mississippi Choctaws.

Applicant represented by attorney John London.

Joel A. Shannon being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Joel A. Shannon.
Q What is your age? A Thirty-six.
Q What is your post-office address? A Burneyville, Indian Territory.
Q How long have you lived there? A Six years.
Q Where did you live before you lived there? A Texas.
Q How long did you live in Texas? A I was raised there.
Q Born there? A Yes.
Q You never had a home outside of the State until you came to the Territory? A No.
Q What is your father's name? A Joel J. Shannon.
Q Is he living? A No he is dead.
Q What is your mother's name? A Fannie E. Cook.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother's side.
Q How much Choctaw blood do you claim? A About one-eighth I reckon.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Fannie E.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A No she has no Indian blood.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes five.
Q Give the names and ages of these children? A Claud W.
Q Is that C-l-a-u-d-e or C-l-a-u-d? A It is C-l-a-u-d.
Q How old? A Ten.
Q Next? A Ethel.
Q How old? A Six.
Q Next? A Earl.
Q How old? A Five.
Q Next? A Clarence.
Q How old? A He is four.
Q Next? A Virgie.
Q V-i-r-g-i-e? A Yes.
Q How old? A Two years old.
Q You are the father of these children? A Yes.
Q What is the name of their mother? A Fannie E. Shannon.

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe or to have your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to make application for me and my children under the treaty.
- Q Under what treaty? A 1830
- Q Do you claim under the whole treaty or under some particular part of it? A The Fourteenth article.
- Q Do you understand the provisions of that article of the treaty? A No I do not.

In eighteen hundred and thirty two the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and a part of Alabama for the purpose of moving them all to a country west of the Mississippi River and give them land there in exchange for their land in the States of Mississippi and Alabama but some of the Indians did not want to come and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi. Article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west and after that the Indians signed the treaty and it was ratified by the United States and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under that article those Indians who did not want to come west could go to the Indian Agent there in Mississippi and tell him that they wanted to stay within six months from the ratification of the treaty and they would get land for themselves and their children from the government and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed would not get any part of the Choctaw annuity.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there and told him that they wanted to stay and take land but when a locating agent was sent down by the government to locate the land for these Indians he found that there were a great many who claimed they had gone to the Indian Agent whose names did not appear on the list which the Indian Agent had made, so under acts of March 3, 1837 and August 23, 1842 Congress appointed Commissioners to go down into Mississippi and find out who was really entitled to land there under the fourteenth article of the treaty. These Commissioners passed on a great many claims. Some of them they allowed and some were refused. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip which was redeemable at the rate of fifty cents per acre from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q What was the name of your ancestor who was a recognized Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? Rachel Shelton.
- Q What relation was she to you? A Greatgrandmother.
- Q How much Choctaw blood did she claim to have? A I think she was a full blood.
- Q Have you got any evidence to show that she was a full blood? A No.
- Q What was your mother's mother's name? A Miranda Brackeen.
- Q What was your mother's father's name? A James Brackeen.
- Q And which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q What was Miranda Brackeen's father's name? A Jesse Shelton.
- Q What was Miranda Brackeen's mother's name? A Rachel Shelton.
- Q And which one of her parents claimed to be Choctaw? A A Rachel.
- Q Her mother? A Yes it was her mother.
- Q Did Rachel Shelton go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay there in the State of Mississippi? A I don't know.
- Q You don't know? A No.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A No.
- Q You never heard anything about that? A No.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grandmother Rachel Shelton was a recognized Choctaw Indian and lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty and that she within six months from the ratification of this treaty went to the Indian Agent and signified her intention of remaining there or attempted to do so.

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- Q Have you any evidence on these points? A No I have not.
Q Do you intend to try to secure such evidence? A Yes
Q Have you any witnesses here whose testimony you would like to offer in support of your application? A Yes.
Q Who are they? A My mother and aunt Susan Perkins.
Q Mrs. Perkins and Mrs. Cook? A Yes.

(Attorney: there is also a colored man here whose testimony we would like to offer)

- Q Have you any papers that you want to file now? A No.
Q Is there any other statement that you would like to make now?
A No.

Examination by Attorney London.

- Q Have you ever paid a permit to the Choctaw or Chickasaw government authority? A No.

By the Commission.

- Q Do you rent land here in the Indian Territory? A Yes.
Q You never have taken up any land here? A No.
Q You just paid rent? A Yes.

This applicant has brown hair, brown eyes and dark complexion. His features and general appearance are those of a white man and he shows no traces of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that the ancestor through whom he claims lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 9th day of November 1901.

Clara Wittenberg
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 26, 1901.

In the matter of the application of Willet B. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2927

In the matter of the application of Laura W. Brackeen, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2926

In the matter of the application of Melinda Malaney, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901. M.C.R. 2973

In the matter of the application of Fannie E. Cook, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901. M.C.R. 2925

In the matter of the application of Sallie Stanley, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3348

In the matter of the application of Mattie Miranda Justiss, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3349

In the matter of the application of William Shelby Perkins for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3350.

In the matter of the application of Duain Sheb Cross, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3351

In the matter of the application of Eddie B. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3352

In the matter of the application of Susan F. McGlasson, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3353

In the matter of the application of Nannie F. Gambill, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3354

In the matter of the application of Nellie W. Cross, for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3355

In the matter of the application of Joel A. Shannon, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 26, 1901. M.C.R. 3356

In the matter of the application of Susan J. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3329

In the matter of the application of James T. Perkins, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3330

In the matter of the application of Hannie A. Cross Bledsoe, et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3331

In the matter of the application of Ballie Homer Morgan for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 24, 1901. M.C.R. 3332

Attorney John Lendon appearing for applicants in above cases.

Fannie E. Cook, being first duly sworn, testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie E. Cook.
 Q What is your age? A Fifty-four.
 Q What is your post-office address? A Atlas, Lamar County, Texas.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Laura W. Brasheen? A Yes.
 Q What relation is she to you? A My daughter.
 Q Are you acquainted with Melinda Malaney? A Yes.
 Q What relation is she to you? A She is my daughter.
 Q Are you acquainted with Willet B. Shannon? A Yes.
 Q What relation are you to him, if any? A He is a son of mine.
 Q Are you acquainted with Joel A. Shannon? A Yes.
 Q What relation is he to you, if any? A He is my oldest son.
 Q Are you acquainted with Hannie F. Gambill? A Yes.
 Q What relation is she to you, if any? A She is my oldest daughter
 Q Are these all of your children except minor children for whom you have applied? A Yes,--I have a daughter, but I do not know where she is at.
 Q What was the name of this daughter? A Mattie Vining, V-i-n-i-n-g
 Q Are you acquainted with Sallie Stanley? A Yes.
 Q What relation is she to you, if any? A She is a niece of mine.
 Q Are you acquainted with Mattie Miranda Justiss? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with William Shelby Perkins? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Duain Shab Cross? A Yes.
 Q What relation is he to you, if any? A He is my sister's son.
 Q Are you acquainted with Eddie B. Cross? A Yes.
 Q What relation is he to you, if any? A He is my nephew.
 Q Are you acquainted with Susan F. McGlasson? A Yes.
 Q What relation is she to you, if any? A Niece.
 Q Are you acquainted with Nellie W. Cross? A Yes.
 Q What relation is she to you, if any? A She is my nephew's daughter.
 Q Are you acquainted with Susan J. Perkins? A Yes.
 Q What relation is she to you, if any? A Sister.

#3.

- Q Are you acquainted with James T. Perkins? A Yes.
- Q What relation is he to you if any? A Nephew.
- Q Are you acquainted with Nannie A. Cross Bledsoe? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Are you acquainted with Sallie Homer Morgan? A Yes.
- Q What relation is she to you if any? A Niece.
- Q Mention the names of your sister's children Susan J. Perkins?
- A Jim Perkins, Sallie Stanley, Nannie Akers, Alice Akers, Sheb Perkins and Ira Perkins.
- Q Is Sheb Perkins, William Shelby Perkins? A Yes.
- Q Any others? A Rosella Stanley, Laura Duncan and Minnie Abshire.
- Q How many children did your sister Susan J. Perkins have? A Nine.
- Q Have you named all of them? A Yes I think so.
- Q How many sisters did you have? A I only had two. There were three girls and one boy of us.
- Q What was the name of your other sister? A Nancy Cross.
- Q Is she living? A No.
- Q Mention the names of her children? A Alice Bledsoe.
- Q Alice Bledsoe is that it? A Yes, I don't know what other name she goes by. That is her right name,----Homer Morgan.
- Q Is that the one who applied as Sallie Homer Morgan? A Yes.
- Q Any others? A Susan Frances McGlasson.
- Q Any others? A Duain Sheb.
- Q What is his other name? A Duain Sheb Cross.
- Q Are these all? A Eddie Cross,--Nellie Cross the daughter of Willie Cross.
- Q That is a grand child of Nancy Cross? A Yes Nellie is a daughter of Willie Cross.
- Q Willie Cross is the son of Nancy Cross and she is dead? A Yes.
- Q Who is Mattie Miranda Justiss--what was her mother's name? A Nancy Cross.
- Q All of these applicants get their Choctaw blood through the same common source that you do? A Yes.
- Q And you get your Choctaw blood through which one of your parents? A My mother.
- Q Miranda Brackeen? A Yes.
- Q And your mother got her Choctaw blood through which one of her parents? A Her mother Rachel Shelton.
- Q Then all of these applicants about whom you have testified get their Choctaw blood through Rachel Shelton. A Yes.
- Q Now was your grandmother Miranda Brackeen living in 1830? A My grandmother?
- Q Yes? A Yes.
- Q About how old was she then? A I could not tell. I don't know.
- Q Are you the oldest one of your mother's children? A No, I am the youngest.
- Q How much older than you was the oldest one of your mother's children? A I don't know--my oldest sister is about seven years older than I am.
- Q Then she is about sixty-one? A Yes about that I guess.
- Q You don't know then whether your mother was Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A She was Miranda Shelton I reckon.
- Q Do you know about what year your mother was married? A No I do not.
- Q Did you know your grandmother personally? A No if I ever saw her I don't know it.
- Q Do you know whether your grandmother Rachel Shelton or your mother Miranda Brackeen, either one of them ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know for certain whether they owned land or not.

- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay? A Not that I know of.
- Q You never heard? A No.
- Q You know where your grandmother died? A She died near Clarks-ville.
- Q In what state? A Texas.
- Q You know when she lived in Mississippi? A No, I do not. I think it was in eighteen thirty seven or eight when she came to Texas.
- Q Did they come direct from Mississippi to Texas? A I think they did.

- Witness Excused -

Susan J. Perkins, being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Prattville, Delta County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Malaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Shab Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Garbhill, Nellie W. Cross, Joel A. Shannon, James T. Perkins, Nannie A. Cross Bledsoe and Sallie Homer Morgan? A Yes.
- Q Are they all related to you? A Yes.
- Q How are they related to you? A They are my sister's children and my own together, I have some in there.
- Q Your children and your sisters' children? A Yes.
- Q And your sisters' grand-children? A Yes.
- Q Do all of these applicants get their Choctaw blood through the same common ancestor that you do? A Yes.
- Q What is that ancestor's name? A Miranda Shelton or Miranda Brackeen.
- Q Your mother? A Yes /
- Q Was your mother's name Miranda Shelton or Miranda Brackeen in eighteen hundred and thirty? A Miranda Shelton.
- Q How old was she in eighteen hundred and thirty? A She was fourteen years old.
- Q What was your mother's father's name? A Jesse Shelton.
- Q And what was your mother's mother's name? A Rachel Shelton.
- Q And which one of your mother's parents claimed to be Choctaw? A Rachel Shelton.
- Q Her mother? A Yes.
- Q Was Rachel Shelton living in the old Choctaw Nation in eighteen hundred and thirty? A Yes.
- Q Did you ever know your grandmother? A Grandmother Shelton?
- Q Yes? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be a full-blood.
- Q Do you remember how she looked? A Yes.
- Q How? A She had coal-black hair and very dark skin.

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- Q Did your grandmother remain in Mississippi until she died?
A No she came to Texas.
- Q When did she come to Texas? A She came to Texas about '38
- Q Did she go to the Indian Agent there in Mississippi within six months after the ratification of the treaty of eighteen hundred and thirty and tell him she wanted to stay in Mississippi?
A I don't know that she did.
- Q You never heard that? A No, I never heard.
- Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. I suppose her father owned land but don't suppose that she ever did.
- Q Well you don't know about that, you are just a kind of guessing at it or supposing it? A No I don't know it. I just supposed by their living there that they owned a home.
- Q How old were you when you saw your grandmother last? A I was seventeen.
- Q When did she die? A She died-- I don't know-- I think she died in fifty-seven.
- Q About how old were you when she died? A I was in my seventeenth year.
- Q Then it was just a short time after you saw her the last time that she died? A Yes I seen her in the fall and she died the next spring.

By Attorney.

- Q Now you say that she had black hair? A Yes.
- Q Do you remember the color of her eyes? A No I don't.
- Q Now you know an Indian; did she have the features of a full-blood Indian? A Yes a good deal that way. We always thought that she was a full-blood by her features and everything else and I have always been told that she was.
- Q Do you know whether she talked the Choctaw language or not?
A I never heard whether she did or not. She never talked very much at all. When anybody came near her she would pick up her chair and go off. She never would stay where there was company. She would rather be off herself and than with anybody.

Witness Excused.

Mrs. Lou Moody being called as a witness, duly sworn, testified as follows:

- Q What is your name? A Mrs. Lou Moody.
- Q What is your age? A Fifty-four.
- Q What is your post office address? A Paris, Lamar County, Texas.
- Q Are you acquainted with Willet B. Shannon, Laura W. Brackeen, Melinda Mahaney, Fannie E. Cook, Sallie Stanley, Mattie Miranda Justiss, William Shelby Perkins, Duain Sheb Cross, Eddie B. Cross, Susan F. McGlasson, Nannie F. Gambill, Nellie W. Cross, Joel A. Shannon, Susan J. Perkins, Nannie A. Cross Eldsoss and Sallie Homer Morgan? A Part of these I know. I know the family and the children but I could not name them. I have not been associated with them. Part of them I could name and part I could not. I have known Mrs. Shannon always but her younger children I don't know.
- Q By Mrs. Shannon you mean the woman who is Mrs. Cook now? A Yes.

- Q Are you acquainted with Mrs. Perkins and her children personally?
 A Yes I know all of her children.
 Q Are these people all relatives? A Yes sir.
 Q They all claim to get their Choctaw blood through Rachel Shelton?
 A Yes that is what they claim.
 Q Did you know Rachel Shelton? A Yes.
 Q When and where did you know her first? A In Red River County (Texas) I was very small. Her home was in Lamar County and she had daughters and sons in Red River County. We lived in the old Uncle Jesse Shelton's home place. I never recollect of ever seeing her but once. I was very small.
 Q Do you remember how she looked? A Yes she was a dark skinned woman.
 Q If you had not heard that she was Indian, would you have judged her to be one from her appearance? A Yes I would and would have judged nearly all of her children to be part Indian that I ever saw.
 Q You did not know her before you knew her in Texas? A No I never saw her but once here but I know all of her children except Mrs. Cross and Mrs. Perkins' mother and I think she must have been dead when they moved to this County. I knew all of their children.
 Q You don't know anything at all about Mrs. Shelton in Mississippi?
 A No not at all.
 Q You don't know whether or not she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay? A No I never heard anything about that.
 Q You never heard her speak about that? A No I never did and I never heard the Shelton's mention anything of the kind.
 Q How do you know that Mrs. Shelton was a Choctaw? A I don't know that. I don't know that.
 Q You say that she looked to be Indian? A Yes she looked to be Indian.
 Q Well, what made you think that they were Choctaws? A I heard through her children that they were Choctaws.

Witness Excused.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causes on August 26, 1901.

Subscribed and sworn to before me this 20th day of September, 1901.

G. Rosenwinkel
Wm. H. Shelby
 Notary Public

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3356

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Joel A. Shannon,

Burneyville, Indian Territory.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willetta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtler R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Oh Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annie Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tama Birbu.*

Registered.

Acting Chairman.

77971

REFER IN REPLY TO THE FOLLOWING:

MCR 3356

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1905.

Joel A. Shannon,
Burneyville, Indian Territory

Dear Sir:

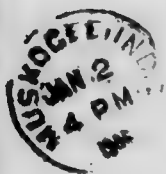
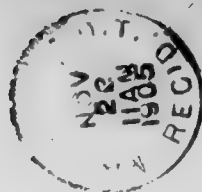
You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your five minor children, Claud W., Ethel, Earl, Clarence and Virgie Shannon, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

W. O. Beall

Acting Commissioner

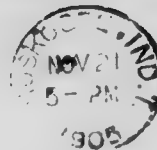


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COMMISSION TO FIVE TRIBES.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



2nd / 3356

U. S. DEPT. OF THE INTERIOR,

Washington, D. C.

No. 3355

For Identification as a Mississippi Choctaw.

Date AUG 26 1901

Name Joel A. Shannon

Age 36 Blood 1/8

Post Office, Turneyville, I. T.

Father: Joel J. Shannon (dead)

Mother: Fannie E. Cook

Claims through mother
wife: Fannie B. Shannon
(no claim for her)

Children:

Claud W. Shannon 10

Ethel " 6

Earl " 5

Clarence " 4

Virgie " 2

Claims for self and 5 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3357

Anna L. J. Bombarger

See MCR 3358

MCR 3357

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3357

In the matter of the application of Anna L. J. Bomberger for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Anna L. J. Bomberger being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Anna L. J. Bomberger.
Q How do you spell the last name? A B-o-m-b-o-r-g-e-r.
Q What is your age? A Sixty.
Q What is your post office address? A Collinsville, Texas.
Q How long have you lived there? A I have lived there about two years.
Q Where did you live before you lived there? A About eighteen miles from there.
Q How long have you lived in the State of Texas? A Since the year eighteen hundred and sixty.
Q Where did you live before you lived in Texas? A In Kentucky, our last home was in Kentucky.
Q How long did you live in Kentucky? A We lived there about, -- I was born in forty-one and we lived there until about '50 or '51. -- We left Kentucky in '57.
Q Were you born in Kentucky? A I was born in Virginia or North Carolina one.
Q Do you remember when you moved to Kentucky? A I don't remember the travel.
Q Do you remember whether you were born in Virginia or North Carolina? A No they lived in both places.
Q What is your father's name? A John Brooks.
Q He is living? A No.
Q What is your mother's name? A Julia Kelly.
Q Julia Brooks? A Before she was married it was Kelly.
Q Well when she was your mother? A Julia Brooks.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A She was about one-quarter.
Q Well how much do you claim? A I reckon about one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A C. Bomberger.
Q Is he living? A No.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A No.
Q You are making this application for yourself alone? A No I have none but myself.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A My own name?
Q Yes? A No.

#2

- Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to be enrolled as a member of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A As a citizen of the Choctaw Nation, for a home in the Territory.
- Q How do you claim your right to citizenship in the Choctaw Nation? A By the blood of our parents.
- Q You are making this application then because you have always been taught that you had Choctaw blood? A Yes.
- Q You claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No I reckon not. We have not been recognized with them. From my mother on I could not make a claim under the treaty could I?

The law under which the Commission is acting at this time in hearing these applications is found in section twenty one of the act of Congress of June 28, 1898, commonly called the "Curtis" act which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and a few of them in the Western part of Alabama. The State of Mississippi was being rapidly filled up with white settlers and the government found it hard to protect the Indians in their tribal government and thought it would be best to give them land west of the Mississippi River in exchange for their land in those States and move them all the Country west of the Mississippi River but some of the Indians did not want to go west and the others would not sign any treaty until some provisions were made for those Choctaws who wanted to remain in Mississippi so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to remain in Mississippi. After that article was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article those Choctaws who wanted to stay in Mississippi could go to the Indian Agent there within six months and tell him that they wanted to stay there and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not be entitled to any part of the Choctaw yearly payments of money.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land and become citizens of the United States but when a locating Agent was sent down by the government to locate the land for these Indians it was found that there were a great many who claimed to have gone to the Indian Agent and told him that they wanted to stay whose names did not appear on the list which he had made, so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed to go down into Mississippi and find out which of these claimants were really entitled to land there under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some were allowed and some were refused. In those cases where the Commissioners allowed the claims and their action approved by the Secretary of War if the land which the Indians claimed had not already been sold it was given to them if it had been sold they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now did any of your ancestors own land in any of these States?
A Not that I know of.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Kelly.
- Q What was his first name? A Tom Kelly
- Q What relation was he to you? A My grandfather.
- Q You say you claim your Choctaw blood through your mother? A
A Yes she through her grandfather Tom Kelly.
- Q Are you the oldest one of your mother's children? A The oldest one living.
- Q I want to know if you are the oldest one she had? A No the oldest one living.
- Q I did not ask you that. How much older than you was the oldest one? A I think she was born in eighteen hundred and thirty seven.

#4

- Q You know when your mother was married in what year? A We have not got the record.
- Q You know about? A We think it was about 1833. We have no record of her marriage or birth.
- Q Her name then in eighteen hundred and thirty was Julia Kelly? A Yes.
- Q What was her father's name? A Tom Kelly.
- Q And what was her mother's name? A Elizabeth Kelly.
- Q And which one of your mother's parents claimed to be Choctaw? A Her father.
- Q Tom Kelly? A Yes Tom Kelly.
- Q How much Choctaw blood did he claim? A One-half blood.
- Q Did you ever see him? A Never did.
- Q Did you ever hear whether he talked the Choctaw language? A No. He could talk it some, my mother could talk it some.
- Q Did your grandfather Thomas Kelly live in Mississippi in eighteen hundred and thirty? A I could not say that he was. We never knew anything much about it. My mother was living with her grandmother to raise. Her mother died and her father gave her away, when she was just a child to her grandmother to raise and the rest of the children he took with him to Mississippi. She was raised separately from her brothers and sisters from the time she was six or seven years old.
- Q Your mother then never lived in Mississippi? A No.
- Q Do you know when Tom Kelly died? A No not definitely. We have tried to find out just where he did die but could not find out anything perfect about it.
- Q What makes you think you have a right to make this application? A From Indian Blood.
- Q Have you any proof of the Indian blood? A Nothing but a little of the name, our mother talked Indian and we have always been taught by her that we were Choctaw Indians. Tradition gives it that we were of the Choctaw tribe.
- Q Have you any evidence of that? A Nothing only the name.
- Q You understand that you are here in the position of an applicant for valuable property rights and in a case where valuable property rights are involved even the sworn statement of an interested party carries very little weight unless supported by some form of evidence? A No answer.
- Q Did Tom Kelly come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty three and eighteen hundred and thirty eight? A I don't know whether he came to this or went to Mississippi. I don't know but he went west and left my mother with my grandmother.
- Q That was when your mother was about six or seven years old? A Yes.
- Q About how many years was that ago? A In eighteen hundred and thirty seven or eight somewhere along there. In eighteen hundred and thirty three my mother married my father and it was before that. I could not say how long.
- Q You say in eighteen hundred and thirty three your mother was married to your father? A Yes I think about that time.
- Q Well was it before that your grandfather left Mississippi? A Yes before she was married. He left North Carolina before that Her grandmother raised here. She was six or seven years old and stayed there and married my father and grandfather Kelly went west with his people and left here back there with her grandmother.
- Q You say left with his people. Were the Choctaw Indians living in North Carolina? A In North Carolina or South Carolina one.
- Q How did your grandfather a Choctaw Indian happen to be living in North Carolina among the Cherokee Indians? A I don't know that

he did. Grandfather Hunt lived there.

- Q That was your mother's father and mother? A Yes he took his wife there when she was sick and she died there and he left my mother with her grandmother.
- Q Do you know where your grandfather Tom Kelly went from when he took his wife back to North Carolina? A He went from Mississippi I suppose.
- Q Then his home was not in North Carolina? A No it was not where my mother was raised
- Q And it was when your mother was about six or seven years old when he took her to North Carolina? A Yes.
- Q And went back from there to Mississippi? A Yes.
- Q Do you know how long he stayed in Mississippi after that? A The report is that he died in Mississippi.
- Q You know when he died? A No we have never found out.
- Q Did Tom Kelly go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell the Indian Agent that he wanted to stay there and take land? I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that your grandfather Tom Kelly was living in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and that you are his lineal descendant and that you show that your grandfather signified his intention to the Indian Agent of staying in Mississippi within six months after the treaty was ratified or that he tried to do that.

- Q Have you any evidence on these points? A Nothing only what we have heard.
- Q I asked if you had any evidence. Are there any witnesses living who knew your grandfather who could testify about him? I don't suppose there are only our tradition.
- Q Have you any papers that you want to file now? A Yes.
- Q Where are they? A Here they are.

Written application of Anna L. J. Bomberger offered in evidence marked exhibit "A" filed and made a part of the record in this case.

Joint affidavit of Thomas and Armatha Welch offered in evidence marked exhibit "B" filed and made a part of the record in this case

Joint affidavit of Ed Short and George W. Diamond offered in evidence marked exhibit "C" filed, and made a part of the record in this application.

Joint affidavit of George W. Diamond and William A. Walker and J. D. Ritchy offered in evidence marked exhibit "D" filed and made a part of the record in this case.

- Q Who are Thomas and Armatha Welch? A They are citizens of Grayson County, friends or acquaintances.
- Q Are you a sister of Sarah Burnett? A Yes.
- Q How old are Thomas and Armatha Welch? A They are about sixty or sixty five years of age.
- Q Who are Ed Short and George D. Diamond? A George W. Diamond is a citizen of Grayson County, of Whitesboro, he is about seventy five or eighty years old. Mr. Short is an old friend of the family. He lived there when I moved there.

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Q Who are J. D. Ritchy and William A. Walker? A They are also citizens of the community, old friends and neighbors.

Q They do not any of them say that they knew your grandfather? A No they never did.

Articles of agreement between John Brooks Jr and Honer Killey offered in evidence, marked exhibit "E" filed, and made a part of the record in this case.

Q This has no particular bearing on your application at present, why do you offer it? A In testimony for us all, in the name and time that our father left and enrolled with the Indians in Mississippi.

Q Do you claim that your grandfather was enrolled with the Indians in Mississippi? A That is what we claim by tradition.

Q This don't show anything about your grandfather having been enrolled why do you want to offer it? A We want to offer it in all our cases to show the name.

Q This name is spelled here K-i-l-l-e-y while you spell it K-e-l-l-y how could that identify the name of Kelly as you claim now? A We got it both ways, the old way and the way we record things, the English but the old name was spelled Killey.

Q This paper has been handed down in your family? A Yes it was with my mother's papers and we have some more than if they would be testimony we can find them.

Q You expect to offer other evidence in support of your application? A Yes.

Q More than what you have offered to day? A I want it left upon for further testimony.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

Q When was your grandfather enrolled in Mississippi? A He was enrolled about 1833, he went to Mississippi in about the 1820 or 1821.

Q Where did he go from? A He went from North Carolina when his wife died there. My grandmother Kelley's great grandmother Hunt his wife died there when my mother was just a child and he left her there. We understand from that, this and that and from what we can catch that our uncles and aunts and all our relations were here in the Choctaw Nation except my mother.

Q You know what their names are now? A No we do not.

Q How did you get that information? A It is just hearsay, we tried to find out if there is any other members belonging to us but can't find out. That is from the Hunt side.

Qx How did these people become citizens of the Choctaw Nation? A I can't tell that we know it only from tradition and from hearsay so the rest of them have had advantage of the treaties but my mother never has.

Q Well do you understand that the people who came over here to the Indian Territory a great many of them are not the people who took land under the fourteenth article of the treaty. I don't understand anything. We never claim under any treaty we have always been taught that there was no chance for us to get anything This was our first intimation that we can be recognized as that tribe.

#7

Copy of Ward's register of names of Choctaws who within six months after the ratification of the treaty of eighteen hundred and thirty signified their intention of remaining and becoming citizens of the States, examined and the name of Tom Kelly or Killey not found thereon.

List of claimants whose claims were allowed by Commissioners under the fourteenth article of the treaty of eighteen hundred and thirty, examined and the name of Tom Kelly or Killey not found thereon.

This applicant has grayish hair which may have been black originally, dark eyes and dark complexion. Her complexion is of a brownish color and might indicate the possession of a small amount of Choctaw blood but this is very difficult to determine the traces are so slight. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty though she states that she believes her grandfather lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 27th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 9th day of November 1901.

Clara Mitchell Wood,

Notary Public.

POOR ORIGINAL -
BEST AVAILABLE COPY

Miss. Choctaw 3367
Miss. Choctaw 4461

Muskogee, Indian Territory, June 3, 1902.

Galloway & Heflin,
Attorneys at Law,
Sherman, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 29, giving the names of certain of the Brooks cases, and asking to be advised in advance when the same will be taken up for consideration. You also desire to have additional time granted in which to introduce evidence in the application of Schuyler Chrismon Brown, et al.

In reply to your letter you are informed that as you were advised in a previous letter, where a reasonable time has elapsed since the date of the original application, and a sufficient amount of testimony has been offered to enable the Commission to determine the rights of the applicants, these Mississippi Choctaw cases are taken up for consideration and decision rendered without notice to either applicants or attorneys.

Relative to that part of your letter referring to the case of Schuyler Chrismon Brown, et al. your attention is invited to the opinion of the Assistant Attorney General in regard to "Mississippi Choctaws", as follows:

"There is no escape from the conclusion that the provision in the act of June 22, 1902, contemplated the identification of only

G & H 2

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those ---

'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

The name of the alleged Choctaw ancestor of the applicant, Schuyler Chrismon Brown, not appearing upon the lists of those Choctaw Indians who were beneficiaries under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, the Commission was without authority to identify this applicant as a Choctaw Indian entitled to rights in the Choctaw lands under the said fourteenth article of the Choctaw treaty of 1830, and no further evidence is desired in this case.

Yours truly,

Acting Chairman.

COPY
M C R 3387

Muskogee, Indian Territory, June 16, 1902.

Anna L. J. Bomberger,
Collinsville, Texas.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902,
the Commission to the Five Civilized Tribes rendered a decision
in the consolidated case of Francis Marion Brooks, et al., embrace-
ing the following applications for identification as Mississippi
Choctaws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrose A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John B. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Russon, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McManamy, et al.,	" 4092

A L J B #2

Charles L. Brooks,
Nancy Arvey Wininger, et al.,
Robert A. Brooks,
Willie Blackwell,

M C R 4093
" 4350
" 4351
" 4352

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie B. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Basil Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks,

A L J B #3

Doris Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice E. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Vaud L. Russon, Grover C. Russon, Robert L. Russon, Lula M. Russon, Lola A. Moore, Burt Moore, Minnie E. Moore, Eddie S. Moore, Cora A. Moore, Richard M. Brooks, Roy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reta McMenamy, --McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered. "

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tamie Birby.

Registered.

Acting Chairman.

COPY.

M C R 3357

Muskogee, Indian Territory, October 17, 1902.

Anna L. J. Bomberger

Collinsville, Texas.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised on the 16th day of June, 1902.

Respectfully,

(SIGNED

Acting Chairman.

M C R 3372
M C R 3387
M C R 3389

Muskogee, Indian Territory, September 17, 1903.

C. L. Galloway,
Attorney at Law,
Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask if the Mississippi Choctaw cases of Hamilton D. Brooks, et al., Anna L. J. Bombarger, and Andrew J. Brooks, et al. have been "referred back" to the Commission.

The Commission has not up to the present time been notified of the remanding of any of the above mentioned cases by the Secretary of the Interior.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

AUG 27 1901

Name Anna L J. Bombarger

Age 60

Blood

1/8

Post Office, Collinsville, Texas

Father: John Brooks (dead)

Mother: Julia Brooks (dead)

Claims through mother

Husband: Bombarger (dead)

Children:

Claims for self alone.

Stenographer

G. Rosenwinkel

Choctaw MCR 3358

Francis Marion Brooks

MCR 3358

See MCR 3242, 3243, 3245, 3246
3247, 3357, 3359, 3360, 3371, 3372
3373, 3416, 3417, 3418, 3495, 3496
3497, 3618, 3619, 3620, 3738, 3807, 4091
4092, 4093, 4350, 4351, 4352

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3358

In the matter of the application of Francis Marion Brooks for identification of himself and his three minor children as Mississippi Choctaws.

Not represented by attorney.

Francis Marion Brooks being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Francis Marion Brooks.
Q What is your age? A I am fifty-seven years old.
Q What is your post-office address? A My address is Vaughan, Hill County, Texas.
Q How long have you lived there? A I have only lived there since last December at Vaughan.
Q How long have you lived at Texas? A Ever since Sixty.
Q Where did you live before you lived in Texas? A In Kentucky.
Q How long did you live in Kentucky? A I lived there about twelve or thirteen years.
Q Where did you live before you lived in Kentucky? A I was born I think in Virginia and my parents moved to Kentucky when I was about one year old.
Q What is your father's name? A John B. Brooks.
Q Is he living? A No he is dead.
Q What is your mother's name? A Julia Ann Kelly.
Q Julia Ann Brooks? A Julia Ann Brooks.
Q Is she living? A No she is dead.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your wife's name? A Lucretia Brooks.
Q Is she living? A Yes.
Q Do you make application for your wife? A Yes.
Q What do you claim for her? A I don't make any application for her only rights to move with me into the Indian Territory. She don't claim any Indian blood. I claim rights of citizenship for me and my minor children and heirs.
Q Do you want to make application for your wife? A I don't understand that exactly, that as being part Indian. I want to make application for my wife and minor heirs.
Q Well what kind of an application do you want to make for her? Do claim for her as an intermarried Mississippi Choctaw? A Yes.
Q Do you want to apply for her that way? A No I want to apply for her the way I stated here. If I get to be a citizen I want the right to bring my wife here to the Indian Territory because she is married to me.

The law under which the Commission is acting at this time is found in section twenty one of the act of Congress of June 28, 1898, commonly called the Curtis act and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This is the law under which the Commission is acting. It gives the Commission authority to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. No mention is made therein of white people who have married claimants as Choctaw Indians under the fourteenth article of the treaty of eighteen hundred and thirty. If you want to make application for your wife as an intermarried Mississippi Choctaw we will hear it and make a record of it but the Commission knows of no law whereby it can identify a white person whose only claim is by intermarriage with applicants as Mississippi Choctaws? A That's been my understanding that she would not have any right.

- Q Then you don't make any claim for her? A No under that law I don't want to put in any claim.
- Q Your wife is a white woman and makes no claim to Choctaw blood? Yes.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application now? A Yes.
- Q How many? A Three.
- Q Give the names and ages of these children? A Lyman M. Brooks.
- Q L-y-m-a-n? A Yes.
- Q How old? A About twenty years old.
- Q Next? A Julia M. Brooks she about fourteen.
- Q Next? A Walter Marion Brooks.
- Q How old? A He is about nine.
- Q These are all your children? A Yes.
- Q What is the name of their mother? A Lueretia Brooks, nee Stice.
- Q When and where were you married to her? A I was married in Texas.
- Q When? A The 31st day of January 1877.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A I was married by both a minister and a Justice of the Peace in the town of Sherman.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make for your minor children.

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the
- Q Have any of your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q You claim now as a Mississippi Choctaw? A Yes.
- Q You claim under any of the treaties between the United States and the Choctaw Indians? A I claim under all of the treaties and the Dawes Commission.
- Q Do you know anything about the treaties? A What do you say?
- Q Do you know anything about the treaties? A No, I read about these treaties but I don't remember anything about them.

The section of law which was quoted to you a little while ago authorizes the Commission to determine the identity of applicants who claim under the fourteen article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the River but some of the Indians did not want to leave their homes there in Mississippi and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to stay in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article those Choctaw Indians who did not want to leave the State of Mississippi could go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay and they would get land for themselves and their children from the government and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of Choctaw citizens but if they ever removed would not get any part of the yearly payments of Choctaw Money.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States but when a man was sent down by the government to locate the land for these Indians it was found that there were a great many who claimed that they had gone to the Indian Agent and told him that they wanted to stay whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress men were appointed as Commissioners to go down into Mississippi and find out who of these Indians really had a right to land under the fourteenth article of the treaty. These Commissioners went to Mississippi and heard evidence in and passed on many cases, several hundred. Some of the claims were allowed and some refused. In those cases where the Commissioners allowed the claims if the land had not already been sold it was given to the Indians if it had been sold they were given scrip with which could be used in locating land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A Not that I know of.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A I don't know, my grandfather Thomas Kelly is as far back as I have been informed about.
- Q How much Choctaw blood did Thomas Kelly claim to have? A He was considered a one-half blood Choctaw.
- Q Have you any evidence to show that he was a Choctaw Indian? A No direct evidence, I have heard mother say and others who knew him in his life time.
- Q Did he go to the Indian Agent within six months after the treaty was ratified and tell him that he wanted to stay there? A I don't know whether he did or not?
- Q Thomas Kelly was your mother's father? A Yes.
- Q What was your mother's mother's name? A My mother's mother's name was Elizabeth Hunt.
- Q Elizabeth Kelly? A My mother's mother's name on the Kelly side do you mean?
- Q Your mother did not have but one mother did she? A I don't think I know.
- Q You don't know what Thomas Kelly's wife's name was? A It was Hunt that is what I answered.
- Q Well was it not Elizabeth Kelly? A Yes Elizabeth Kelly nee Hunt
- Q Which one of your mother's parents claimed to be Choctaw? A Her father.
- Q In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof that your grandfather Thomas Kelly was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that you are his lineal descendant and to show that he within six months from the ratification of the treaty signified his intention to the Indian Agent of remaining in Mississippi or attempted to do so. Have you any evidence on any of these points? A No I have no direct evidence only information from my mother.
- Q Would she know about it? A I think so.
- Q Do you understand the importance of securing outside evidence on these points? A I don't know that I do..
- Q You are here in the position of a claimant for valuable property rights are involved and even the sworn statement of an interested party will carry very little weight unless supported by outside evidence? A We are busy at that now, gathering up our testimony. We have some old people and we may be able to gather up still further evidence from them.

#5

- Q Then you do understand the importance of securing evidence?
A Yes I expect to produce all the evidence we have now and all we can produce hereafter.
- Q Have you any papers that you want to file now? A Yes.

Written application of F. M. Brooks offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Joint affidavit of Ed Short, George W. Diamond offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Joint affidavit of Thomas Welch and Armatha Welch offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

Joint affidavit of George W. Diamond, J. D. Ritchey, and W. A. Walker, offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

- Q Do you know Thomas and Armatha Welch, George W. Diamond, J. D. Ritchey, W. A. Walker and Ed Short? A Yes.
- Q Who are they? A Thomas and Armatha Welch were formerly citizens of Grayson County but they have now moved to Gainesville, Cook County, these others are citizens of Whitesboro, Grayson County and our community.
- Q Are they white people? A Yes.
- Q They don't make any claim to Choctaw blood? A Not that I know of.
- Q They did not know your grandfather Thomas Kelly? A No but they were acquainted with my mother during her life time while we lived in Texas.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

- Q Are you acquainted with Anna L. J. Bomberger? A Yes.
- Q What relation is she to you if any? A I am her brother.
- Q And Sarah Rebecca Burnett is your sister also? A Yes.

This applicant has grayish hair and mustache, brown eyes and dark complexion. His features and general appearance are those of a white man and does not show any Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although he believes that his grandfather lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 27, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 15th day of November 1901.

G. Rosenwinkel
Edith M. [illegible]
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis Ma-
rion Brooks, et al., for identi-
fication as Missis-
sippi Choctaws,

consolidating the applications of

Francis Marion Brooks, et al.,	M.C.R.3358;
Sarah Rebecca Burnett, et al.	M.C.R.3242;
John Franklin Burnett, et al.,	M.C.R.3243;
Rebecca Jane Harding, et al.,	M.C.R.3245;
Sarah L. McLendon,	M.C.R.3246;
Mary Ella Graham, et al.,	M.C.R.3247;
Anna L. J. Bombomrger,	M.C.R.3357;
Hamilton D. Brooks, et al.,	M.C.R.3359;
Price W. Brooks, et al.,	M.C.R.3360;
Christopher C. Brooks, et al.,	M.C.R.3371;
Andrew J. Brooks, et al.,	M.C.R.3372;
Ambrous A. Brooks, et al.,	M.C.R.3373;
Julia M. McConnell, et al.,	M.C.R.3416;
Christopher C. Bombarger, et al.	M.C.R.3417;
Lee Gustus Bombarger, et al.,	M.C.R.3418;
William Ryly Brooks, et al.,	M.C.R.3495;
John H. Brooks, et al.,	M.C.R.3496;
James A. Brooks, et al.,	M.C.R.3497;
Minnie L. Kennedy, et al.,	M.C.R.3618;
Mary A. Cunningham, et al.,	M.C.R.3619;
Maud L. Russon, et al.,	M.C.R.3620;
Iola A. Moore, et al.,	M.C.R.3738;
Richard M. Brooks, et al.,	M.C.R.3827;
John M. Brooks, et al.,	M.C.R.4091;
Minnie A. McMenamy, et al.,	M.C.R.4092;
Charles L. Brooks,	M.C.R.4093;
Nancy Arvey Wininger, et al.,	M.C.R.4350;
Robert A. Brooks,	M.C.R.4351;
Willie Blackwell,	M.C.R.4352.

List of papers
forwarded to the Secretary of the Interior, with
the record in the above case, to-
gether with the page occupied by each in said record.-----

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C.v.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Francis Marion
Brooks, et al., for identification as Mississippi
Choctaws, consolidating the applications of:

Francis Marion Brooks et al.	M.C.R. 3358
Sarah Rebecca Burnett et al.,	M.C.R. 3242
John Franklin Burnett et al.,	M.C.R. 3243
Rebecca Jane Harding et al.,	M.C.R. 3245
Sarah L. McClendon,	M.C.R. 3246
Mary Ella Graham et al.,	M.C.R. 3247
Anna L. J. Bomberger,	M.C.R. 3357
Hamilton D. Brooks et al.,	M.C.R. 3359
Price W. Brooks et al.,	M.C.R. 3360
Christopher C. Brooks et al.,	M.C.R. 3371
Andrew J. Brooks et al.,	M.C.R. 3372
Ambrous A. Brooks et al.,	M.C.R. 3373
Julia M. McConnell et al.,	M.C.R. 3416
Christopher C. Bomberger et al.,	M.C.R. 3417
Lee Gustus Bomberger et al.,	M.C.R. 3418
William Ryly Brooks et al.,	M.C.R. 3498
John H. Brooks et al.,	M.C.R. 3498
James A. Brooks et al.,	M.C.R. 3497
Minnie L. Kennedy et al.,	M.C.R. 3618
Mary A. Cunningham et al.,	M.C.R. 3619
Maud L. Russon et al.,	M.C.R. 3620
Iola A. Moore et al.,	M.C.R. 3738
Richard M. Brooks et al.,	M.C.R. 3807
John M. Brooks et al.,	M.C.R. 4091
Minnie A. McMenemy et al.,	M.C.R. 4092
Charles L. Brooks,	M.C.R. 4093
Nancy Arvey Wininger et al.,	M.C.R. 4350
Robert A. Brooks,	M.C.R. 4351
Willie Blackwell,	M.C.R. 4352

----- DECISION -----

It appears from the record herein that applications for

identification as Mississippi Chestaws were made to this Commission by Francis Marion Brooks for himself and his three minor children, Lyman M., Julia M., and Walter Marion Brooks; by Sarah Rebecca Burnett for herself and her three minor children, James Harvey, Ollie Clarinda and Selly Brate Burnett and her two minor grandchildren Lewella and Minnie Lee Strong; by John Franklin Burnett for himself and his two minor children, Willie Ritchie and Bertice Ethel Burnett; by Rebecca Jane Harding for herself and her two minor children, Harvey L. and Frank O. Harding; by Sarah L. Mc Clendon for herself; by Mary Ella Graham for herself and her minor child, Ella A. Graham; by Anna L. J. Bombarger for herself; by Hamilton D. Brooks for himself and his five minor children, Mary Ann, Lyman M., Tuley, Charles P. and Estella Brooks; by Price W. Brooks for himself and his five minor children, Elma Dean, Jessie, Price Logan, Earl Leon and Nellie Brooks; by Christopher C. Brooks for himself and his four minor children, Charley H., Clara Ellen, Henderson Rame and Arthur G. Brooks; by Andrew J. Brooks for himself and his four minor children, Lucien Claude, Jesse James, Myrtle Elizabeth and Burnetty Brooks; by Ambrose A. Brooks for himself and his four minor children, Hattie H., Minnie F., Mattie H. and Gracie L. Brooks; by Julia M. McConnell for herself and her seven minor children, Walter, Fannie Elisabeth, Essie, Roger, Lee, Floyd and Avie McConnell; by Christopher C. Bombarger for himself and his two minor children, Harvey C. and Gracie M. Bombarger; by Lee Gustus Bombarger for himself and his four minor children, Basil Lee, Una May, Othal Paul and Ava Price Bombarger; by William Ryly Brooks for himself and his five minor children, Bessie, Alice, Susie, Willie and Luther Brooks; by John H. Brooks for himself and his four

minor children Wiley, Devie, Henry and Ellen Brooks; by James A. Brooks for himself and his two minor children, Roy and Samuel Brooks; by Minnie L. Kennedy for herself and her two minor children, Alma Pauline and Eunice P. Kennedy; by Mary A. Cunningham for herself and her two minor children, Elsie and Joseph M. Cunningham; by Maud L. Russom for herself and her three minor children, Grover C. Robert L. and Eula M. Russom; by Iola A. Moore for herself and her four minor children, Burt, Minnie E., Eddie C. and Cora A. Moore; by Richard M. Brooks for himself and his minor child, Foy H. Brooks; by John M. Brooks for himself and his minor child Eva Brooks; by Minnie A. McMenamy for herself and her three minor children, Lorena, Reba and -----McMenamy (an infant three months old and unnamed); by Charles L. Brooks for himself; by Nancy Arvey Wininger for herself and her minor child Alleta Wininger; by Robert A. Brooks for himself and by Willie Blackwell for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495.)

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Julia Ann Brooks (nee Kelly or Kelley) who is alleged to have been an one quarter blood Choctaw Indian and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321.)

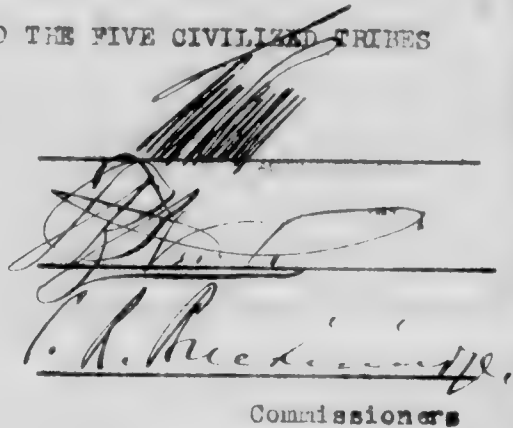
It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Julia Ann Brooks (nee Kelly or Kelley) or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842(8 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding,

Sarah L. McClenden, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John E. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russom, Grover C. Russom, Robert L. Russom, Lula W. Russom, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, ---McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830,

and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


C. H. McKim
Commissioners

Muskogee, Indian Territory

JUN 4 1902

Muskogee, Indian Territory, June 16, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

There is transmitted herewith the record in the consolidated case of Francis Marion Brooks, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 4, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomborger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrous A. Brooks, et al.,	" 3373
Julia H. McConnell, et al.,	" 3416
Christopher C. Bombarger, et al.,	" 3417
Lee Justus Bombarger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497

Sec. Int. --2.

Minnie L. Kennedy, et al.,	M C R 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Russon, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McKenney, et al.,	" 4092
Charles L. Brooks,	" 4093
Nancy Arvey Wininger, et al.,	" 4350
Robert A. Brooks,	" 4351
Willie Blackwell,	" 4352

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. D. McCallie.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 enclosure.

COP.

M C R 3358

Waukegee, Indian Territory, June 16, 1902.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi

Chootaws:

Francis Marion Brooks, et al.,	M. C. R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrose A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3496
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Russom, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McMenamy, et al.,	" 4092
Charles L. Brooks,	" 4093
Nancy Arvey Vininger, et al.,	" 4350
Robert A. Brooks,	" 4351
Willie Blackwell,	" 4352

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Pichie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice V. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russom, Grover C. Russom, Robert L. Russom, Lula M. Russom, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva

M McM & C #3

Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy---
McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Winin-
ger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as
Choctaw Indians entitled to rights in the Choctaw lands under the
provisions of said article fourteen of the treaty of 1830 and
that the applications for their identification as such, should
be refused, and it is so ordered".

You are further advised that the Commission has on this
date forwarded the record in this case to the secretary of the
Interior for review and you will be informed in due time of such
action as may be taken by him.

Yours truly,

(SIGNED). *Tamc Dixby.*

Acting Chairman.

Muskogee, Indian Territory, June 16, 1902.

Galloway & Heflin,

Sherman, Texas.

Gentlemen:

You are hereby advised that on the 4th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McOllendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrose A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Russom, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McMenamy, et al.,	" 4092
Charles L. Brooks,	" 4093
Nancy Arvey Wininger, et al.,	" 4350
Robert A. Brooks,	" 4351
Willie Blackwell,	" 4352

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley E. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambreus A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bombarger, Harvey D. Bombarger, Gracie M. Bombarger, Lee Gustus Bombarger, Basil Lee Bombarger, Una May Bombarger, Othal Paul Bombarger, Ava Price Bombarger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Davie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russom, Grever C. Russom, Robert L. Russom, Lula M. Russom, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva

O & H #3

Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, -- McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

James D. Doby.

Registered.

Acting Chairman.

Muskogee, Indian Territory, June 16, 1902.

Orenshaw & Jamison,
 Sherman, Texas.

Gentlemen:

You are hereby advised that on the 4th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi

Choctaws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	#2 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrous A. Brooks, et al.,	" 3373
Julia M. McGonnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Russom, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McMenamy, et al.,	" 4092
Charles L. Brooks,	" 4093
Fancy Arvey Wininger, et al.,	" 4350
Robert A. Brooks,	" 4351
Willie Blackwell,	" 4352

These applications were made under the provision of the act of Congress of June 28, 1896, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Prate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bombarger, Harvey C. Bombarger, Gracie M. Bombarger, Lee Gustus Bombarger, Basil Lee Bombarger, Una May Bombarger, Othal Paul Bombarher, Ava Price Bombarger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russom, Grover C. Russom, Robert L. Russom, Eula M. Russom, Iela A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva

C & J #3

Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, -- McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such, should be refused and it is so ordered. "

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tamc Dixby.

Registered.

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

REFER IN REPLY TO THE FOLLOWING

M C R - 3358

ADDRESS IN FULL
MUSKOGEE, INDIAN TERRITORY, JUNE 16, 1902.

Francis Marion Brooks,
Vaughn, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McGlendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Andrew A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Hanson, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McManamy, et al.,	" 4092

Charles L. Brooks,
 Nancy Arvey Wininger, et al.,
 Robert A. Brooks,
 Willie Blackwell,

M C R 4093
 " 4380
 " 4381
 " 4382

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lowell Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertie Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tulay Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Reme Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrose A. Brooks, Mattie E. Brooks, Minnie P. Brooks, Mattie K. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie

Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Devie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Rey Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice P. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russon, Grever C. Russon, Robert L. Russon, Lula M. Russon, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, ---McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such, should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman.

Register.

C - o - p - y.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Land
36770--1902.

Washington, Sept. 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated June 16, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the consolidated case of Francis Marion Brooks, et al., applicants for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Francis Marion Brooks applies for himself and his three minor children, Lyman M., Julia M., and Walter Marion Brooks; Sarah Rebecca Burnett for herself and her three minor children, James Harvey, Ollie Clarinda and Selly Brate Burnett, and her two minor grandchildren, Lewella and Minnie Lee Strong; John Franklin Burnette for himself and his two minor children, Willie Ritchie and Bertice Ethel Burnett; Rebecca Jane Harding for herself and her two minor children, Harvey L. and Frank O. Harding; Sarah L. McClendon for herself; Mary Ella Graham for herself and her minor child, Ella A. Graham; Anna L. J. Bemberger for herself; Hamilton D. Brooks for himself and

his five minor children, Mary Ann, Lyman M., Tuley, Charles P. and Estella Brooks; by Price W. Brooks for himself and his five minor children, Elma Dean, Jessie, Price Logan, Earl Leon and Nellie Brooks; Christopher C. Brooks for himself and his four minor children, Charley H., Clara Ellen, Henderson Rome and Arthur G. Brooks; Andrew J. Brooks for himself and his four minor children, Lucion Claude, Jesse James, Myrtle Elizabeth and Burnetty Brooks; Ambrous A. Brooks for himself and his four minor children, Hattie E., Minnie F., Mattie E. and Gracie L. Brooks; Julia M. McConnell for herself and her seven minor children, Walter, Fannie Elizabeth, Essie, Roger, Lee, Floyd and Avie McConnell; Christopher C. Bombarger for himself and his two minor children, Harvey C. and Gracie M. Bombarger; Lee Gustus Bombarger for himself and his four minor children, Basil Lee, Una May, Othal Paul and Ava Price Bombarger; William Ryly Brooks for himself and his five minor children, Bessie, Alice, Susie, Willie and Luther Brooks; John H. Brooks for himself and his four minor children, Wiley, Dovie, Henry and Ellen Brooks; James A. Brooks for himself and his two minor children, Roy and Samuel Brooks; Minnie L. Kennedy for herself and her two minor children, Alma Pauline and Eunice F. Kennedy; Mary A. Cunningham for herself and her two minor children, Elsie and Joseph M. Cunningham; Maud L. Russom for herself and her three minor children, Grover C., Robert L. and Eula M. Russom; Iola A. Moore for herself and her four minor children, Burt, Minnie E., Eddie C. and Cora A. Moore; Richard M. Brooks for himself and his minor child Foy H.

Brooks; John M. Brooks for himself and his minor child, Eva Brooks;
Minnie A. McMenamy for herself and her three minor children, ^{Lorena,} Reba and
-----McMenamy (an infant three months old and unnamed); Charles
L. Brooks for himself; Nancy Arvey Wininger for herself and her minor
child, Alleta Wininger; Robert A. Brooks for himself; and Willie
Blackwell for himself.

On June 4, 1902, the Commission held that the parties
above named were not entitled to identification as Mississippi Chooc-
taws.

The applicants in this case attempt to trace descent from
Julia Ann Brooks, nee Kelly or Kelley, who was the mother of Francis
Marion Brooks. Thomas Kelly was the father of Julia Ann Brooks, and
the record shows that he was an Indian. Her mother's maiden name was
Elizabeth Hunt, and she was a white woman. In 1833 Julia Ann Kelly
was married to John B. Brooks.

The records of the office relating to Mississippi Choctaws
do not show that any one by the name of Kelly or Brooks complied or
attempted to comply with the provisions of the fourteenth article of
the treaty of 1830, or that they or either of them applied to the
Commissions appointed under the acts of March 3, 1837, and August
23, 1842, for an adjudication of their rights, if any they had .

This being true, the decision of the Commission refusing
to identify the applicants should be affirmed, and the office so
recommends.

G.A.W. (S).

Very respectfully,
Your obedient servant,
W. A. JONES,
Commissioner.

D. C. 18390.

C - o p - y.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD.5933-1902.

Washington, October 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

June 16, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, to-wit: Francis Marion, Lyman M., Julia M. and Walter Marion Brooks; Sarah Rebecca, James Harvey, Ollie Clarinda and Selly Brate Burnett; Lewella and Minnie Lee Strong; John Franklin, Willie Ritchie and Bertice Ethel Burnett, Rebecca Jane, Harvey L. and Frank O. Harding; Sarah L. McClendon; Mary Ella and Ella A. Graham; Anna L. J. Bomberger; Hamilton D., Mary Ann, Lyman M., Tuley, Charles P., Estella, Price W., Elma Dean, Jessie, Price Logan, Earl Leon, Nellie, Christopher C., Charley H., Clara Ellen, Henderson Rome, Arthur G., Andrew J., Lucion Claude, Jesse James, Myrtle Elizabeth, Barnetty, Ambrous A., Hattie E., Minnie F., Mattie E. and Gracie L. Brooks; Julia M., Walter, Fannie Elizabeth, Essie, Roger, Lee, Floyd and Avie McConnell; Christopher C., Harvey C., Gracie M., Una May, Othal Paul and Ava Price Bombarger; William Ryly, Lee Gustus, Basil Lee, Bessie, Alice, Susie, Willie, Luther, John H., Wiley, Dovie, Henry, Ellen, James A., Roy and Samuel Brooks; Minnie L. Alma Pauline and Eunice F. Kennedy; Mary A., Elsie and Joseph M. Cunningham; Maud L., Grover C., Robert L. and Eula M. Russon; Iola A.,

Burt, Minnie H., Eddie C. and Cora A. Moore; Richard M., Foy H., John M. and Eva Brooks; Minnie A., Lorena, and Reba McMenemy, and McMenemy (infant unnamed); Charles L. Brooks; Nancy Arvey and Alleta Winderger; Robert A. Brooks; Willie Blackwell.

The applicants endeavor to trace their descent from one Julia Ann Brooks (nee Kelly or Kelley), alleged to have been a quarter blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Julia Ann Brooks or any of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications June 4, 1902.

Forwarding the papers September 26, 1902, the Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed.

The Department has carefully reviewed the entire record, and having found no reason to disturb your decision, it is hereby affirmed.

Respectfully,

THOS RYAN,

Acting Secretary.

1 inclosure.

COPY.

H C R 3358

Muskogee, Indian Territory, October 17, 1902.

Mansfield, McHurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by mail on the 16th day of June, 1902.

Respectfully,

Sam Diney.

Acting Chairman.

COPY.

H O R 3358

Muskogee, Indian Territory, October 17, 1902.

Grimeshaw & Jamison,
Attorneys at Law,
Sherman, Texas.

Gentlemen:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

G. C.

Acting Chairman.

COPY:

M G R 3350

Muskogee, Indian Territory, October 17, 1902.

Francis Marion Brooks,
Vaughn, Texas.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

Acting Chairman.

COPY.

M O R 3358

Muskogee, Indian Territory, October 17, 1902.

Galloway & Heflin,
Attorneys at Law,
Sherman, Texas.

Gentlemen:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

(SIGNED)

Lamar Dickey
Acting Chairman.

C O P Y

UNITED STATES SENATE,
Washington, D.C.

May 3, 1904.

Hon. E. A. Hitchcock,
Secretary of the Interior,
Washington, D. C.

Sir:-

The attached letter fully explains itself. Kindly have me fully advised as to the status of the matter inquired about. In keeping with the wishes of the writer of the attached letter, I respectfully request that the mentioned claim for citizenship be promptly and equitably adjusted.

Very truly yours,

(signed) J. W. BAILEY

M C R 3358

Muskogee, Indian Territory, August 26, 1904.

J. T. Adams,
Attorney at Law,
Gainesville, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask if the Mississippi Choctaw case of Francis M. Brooks, et al. has been referred back to the Commission. You state that on May 6, 1904, the Department of the Interior wrote U. S. Senator J. W. Bailey that the case above mentioned had been referred to the Commission to the Five Civilized Tribes for report.

In reply to your letter you are informed that on October 9, 1902, the Secretary of the Interior approved the decision of the Commission of June 4, 1902, refusing the several applications included in the consolidated Mississippi Choctaw case of Francis Marion Brooks, et al., since which time this office has not been advised of any departmental action in the case.

Respectfully,

Chairman.

M C R 3358

Muskogee, Indian Territory, October 18, 1904.

J. T. Adams,
Attorney at Law,
Gainesville, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that you are in receipt of a communication from the Secretary of the Interior advising that the Mississippi Choctaw case of Francis Marion Brooks, et al. had been referred to the Commission for further consideration, report and recommendation. You state that it is your desire to have a hearing upon the evidence to be produced before the Commission in this case and suggest that a time and place be set for such hearing, allowing both sides ample time to make preparation therefor.

In reply to your letter you are informed that on October 9, 1902, the Secretary of the Interior affirmed the decision of the Commission of June 4, 1902, refusing the several claimants in the consolidated Mississippi Choctaw case of Francis Marion Brooks, et al., and up to the present time the Commission has not been advised by the Department of the remanding of this case for any further action.

On September 10, 1904, there was referred to the Commission

J T A 2

by the Department for report and recommendation a letter from Ambrous A. Brooks, of Gainesville, Texas, under date of April 5, 1904, to Honorable J. W. Bailey, requesting that a rehearing be granted in the matter of the application for identification as a Mississippi Choctaw of said Brooks.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of letter of Honorable J. W. Bailey, of May 3, 1904, to the Secretary of the Interior, and which was, on September 10, 1904, referred to the Commission for report and recommendation. Senator Bailey in his letter of May 3, 1904, encloses a letter under date of April 8, 1904, addressed to him by Ambrous A. Brooks, of Gainesville, Texas.

Mr. Brooks in his letter of April 8th alleges that he filed his claim before the Commission in August, 1901, and submitted the necessary proof to show that his grandfather was a Mississippi Choctaw; that his brothers went to Mississippi and located two of his mother's brothers who took land in the Choctaw Nation in Mississippi under the treaty of 1830, their names being David and Richard Killey; that they left Mississippi in 1868; that during their residence there they were recognized as Choctaw Indians by blood; that the applicant went to Kentucky where John Killey his mother's youngest brother lives, and secured his testimony to the effect that he, John Killey, is a brother to the two Killeys that lived in Mississippi. Mr. Brooks further alleges that his attor-

ney, Mr. C. L. Galloway, requested the Commission to hold his claim open for thirty days but that the case was closed and rejected for want of testimony; that he subsequently, on April 3, 1903, asked of the Department that the case be returned to the Commission for a rehearing. In conclusion Mr. Brooks desires that a rehearing be granted him and if possible, that he be identified as a Mississippi Choctaw.

With the return of Senator Bailey's letter and the enclosures therewith, I have the honor to submit the following report in reference to this matter:

Ambrous A. Brooks appeared before the Commission at Atoka, Indian territory, on August 28, 1901, and made application for the identification of himself and his four minor children as Mississippi Choctaws. This application was made a part of the consolidated Mississippi Choctaw case of Francis Marion Brooks, et al., (M C R 3358). The applicants in this case claim their right to identification as Mississippi Choctaws by reason of being descendants of one Julia Ann Brooks (nee Kelly or Kelley) alleged to have been an one quarter blood Choctaw Indian and to have resided in the State of Mississippi in the year 1830.

On June 4, 1902, the Commission rendered a decision in this case refusing the application of the several claimants therein for identification as Mississippi Choctaws, for the reason that it did

not appear from the testimony and evidence offered, or from the records in the possession of the Commission, that Julia Ann Brooks (nee Kelly or Kelley) had ever complied with the provisions of the 14th article of the Choctaw treaty of 1830, or presented a claim to rights under said article 14 of said treaty, or to either of the Commissions authorized to adjudicate such claims by the Acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

The record in this case, with the decision of the Commission, was forwarded the Department on June 16, 1902, and on October 9, 1902, (I T D 5933-1902) the Department affirmed the decision of the Commission of June 4, 1902.

It does not appear from the records of the Commission that any further action has been taken in the matter by any of the applicants subsequent to the date of the approval by the Department of the decision of the Commission. We have never been advised of any petition for a rehearing as alleged by Mr. Brooks in his letter, nor does it appear that the Department has ever advised the Commission in reference to any such petition for a rehearing.

The applicants have, apparently, had every opportunity within which to present their claim, and inasmuch as the records of the Commission and of the Indian Office are conclusive that the ancestor through whom they claim was not a beneficiary under the

provisions of the 14th article of the Choctaw treaty of 1830, and her name is not found upon any of the records of the government of persons who were entitled to benefits under the 14th article of said treaty, it is respectfully recommended that the action heretofore taken be not reconsidered, and that the alleged motion for rehearing be denied.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McM 400

MOTHER'S TRIBAL ENROLLMENT

AR

TOWN

No.

MOTHER'S OWNER

REMARKS

DAWES
ROLL NO.

Consolidated Case
of
Francis Marion Brewster
M.C.R. 3358.

Thomas Kelly, 12
married
Elizabeth Hunt W. Dead

Julia Ann Kelly 14 Dead
married
John B. Brooks, Dead

^{McK}
335
Anna L. Brooks, 60, 18
married
A. C. Bomborger

^{McK}
335
Francis Marion Brooks, 57, 18
married
Lucretia Stice

^{McK}
335
Hamilton L. Brooks, 56, 18
married
Mary Ann Hall

^{McK}
341
Julia M. Bomborger, 39, 16
married
James C. McConnell

^{McK}
341
Christina C. Bomborger, 37, 16
Drucilla Bomborger

^{McK}
341
Lee Gustus Bomborger, 33, 16
wife
Rebecca Belle Bomborger

^{McK}
341
Mary A. Brooks, 22, 16
married
J. D. Cunningham

^{McK}
341
Lyman M. Brooks, 21

^{McK}
341
Minnie L. Brooks, 18, 16
married
J. M. Kennedy

^{McK}
341
Julia M. Brooks, 14
Walter Marion Brooks, 9

^{McK}
341
William Hyly Brooks, 31, 16
married
Elizabeth Baen.

^{McK}
341
John H. Brooks, 21, 16
married
Allie Wiley

^{McK}
341
Walter McConnell, 17
Fannie Elizabeth McConnell, 15
Essie McConnell, 12
Roger McConnell, 10
Lee McConnell, 7
Floyd McConnell, 5
Arie McConnell, 2

^{McK}
341
Harvey C. Bomborger, 11
Grace M. Bomborger, 6

^{McK}
341
Basil La Bomborger, 10
Una May Bomborger, 8
Ethel Bomborger, 6
Ava Pierce Bomborger, 4

^{McK}
341
Essie Cunningham, 4
Joseph Cunningham, 1

^{McK}
341
Alma Pauline Kennedy, 2
Eunice F. Kennedy, 3 mos.

^{McK}
341
Bessie Brooks, 10
Alice Brooks, 6
Susie Brooks, 4
Willie Brooks, 3
Luther Brooks, 2 mos.

^{McK}
341
Wiley Brooks, 7
Dovie Brooks, 5
Henry Brooks, 3
Ellen Brooks, 1

Thomas Kelly, 72 l. married
 Elizabeth Hunt, W. Dead

Julia Ann Kelly 1/4 Dead married
 John B. Brooks, Dead

McK 3359
 Hamilton D. Brooks, 56, 1/8 married
 Mary Ann Hull
 (Continued from top)

McK 3360
 Price W. Brooks, 54, 1/8 married
 * (1) Arminia J. Gray
 (2) Sarah Malinda Pogue

* Testimony on #3621 shows first wife living; no evidence of divorce.

Richard P. Brooks, Dead married
 Margie Gray, Dead

McK 3738
 Lola A. Brooks, 26, 1/16 married
 F M Moore

McK 3741
 James A. Brooks, 24, 1/16 married
 Julia Underwood

McK 3359
 Mary Ann Brooks, 18
 Lyman M. Brooks, 16
 Tuley Brooks, 14
 Charles P. Brooks, 12
 Estella Brooks, 9

McK 3620
 Maud L. Brooks, 24, 1/16 married
 Robert L. Russom

McK 3361
 Elma Dean Brooks, 11
 Jessie Brooks, 9
 Price Logan Brooks, 7
 Earl Leon Brooks, 5
 Nellie Brooks, 18 mos

McK 3801
 Richard M Brooks, 24, 1/16 wife
 Laura J. Broc

McK 3738
 Burt Moore, 9
 Minnie E. Moore, 8
 Eddie C. Moore, 5
 Cora A. Moore, 2

McK 3741
 Roy Brooks, 4
 Samuel Brooks, 3

McK 3620
 Grover C. Russom, 8
 Robert L. Russom, 6
 Eula M. Russom, 4

McK 3801
 Foy H. Brooks, 19 mos

Thomas Kelly, 12 ?
married
Elizabeth Hunt, W. Dead

Julia Ann Kelly, 14, Dead
married
John B. Brooks, Dead

^{mck}₄₀₉₁ John M Brooks, 52, 18
wife
① Charlotte Brooks, Dead
② Mary S. Brooks

Christopher C. Brooks
wife
Brooks

^{mck}₄₀₉₃ Charles L Brooks, 27, 116
^{mck}₄₃₅₈ Robert A. Brooks, 26, 116

^{mck}₄₀₉₂ Minnie A Brooks, 24, 116
married
W.D. McMenamy

^{mck}₄₀₉₂ Lorena M Menamy 5
" Reba M Menamy 3
" — McMenamy (male 3 1/2
(unnamed))

^{mck}₄₃₅₀ Nancy Arvey Brooks, 22, 116
married
Ezekiel Wininger

^{mck}₄₃₅₀ Alleta Wininger 4

^{mck}₄₃₅₂ Willie Brooks, 18, 116
married
Cuba Blackwell

^{mck}₄₀₉₁ Eva Brooks, 15

Thomas Kelly Jr ?
married

Elizabeth Hunt, part Choc. Dead

Daughter of

Elitha Hunt, part Choc. Dead

Julia Ann Kelly 1/4 Dead
married

John B. Brooks. Dead

Sarah Rebecca Brooks, 50, 18
married

James Burnett

Rebecca Jane Burnett, 30 1/16
married
William F. Harding

Harvey L Harding 8.
Frank O Harding, 6.

Mary Ella Burnett, 29 1/16
married
William D Graham

Ella A Graham 9 mo

John Franklin Burnett, 27, 1/16
wife
Deliah Burnett

Willie Ritchie Burnett, 4
Bertice Burnett, 3

Rosey Burnett 1/16 Dead
married
Francis Marion Strong

Lewella Strong 6
Minnie Lee Strong, 3

Sarah L Burnett, 22, 1/16
married
C. H. McClelland

James Henry Burnett, 20
Ollie Clarinda Burnett, 17
Selly Brate Burnett, 12

* applicants Mch 3242, 3243, 3245, 3246, + 3247;
through Elizabeth Hunt as Thomas Kelly,
the common Choc ancestor of the other applicants.

Thomas Kelly 72 ? - Julia Ann Kelly 74 Dead
married married
Elizabeth Hunt, W. Dead John B. Brooks, Dead

Clarinda Brooks, Dead
married
David Cunningham

Addie Cunningham 28
married
J. B. Riddling

Ray Riddling 8
Mina Riddling 6

Lee Cunningham, 21
wife
(unknown)

David Cunningham

mch
3372

Andrew J. Brooks, 45, 1/2
wife
Mary Berama Brooks Dead

mch
3372

Lucion Claude Brooks, 20
Jesse James Brooks, 17
Myrtle Elizabeth Brooks, 13
Bernetty Brooks 11

mch
3373

Ambrons A. Brooks, 43, 1/2
wife
Nancy D. Brooks

mch
3373

Hattie E. Brooks, 15
Minnie F. Brooks, 11
Mattie E. Brooks, 9
Gracie L. Brooks, 7

mch
3374

Christopher C. Brooks, 40 1/2
wife
Dora Belle Brooks

mch
3374

Charley H. Brooks, 8
Clara Ellen Brooks, 5
Henderson Rome Brooks, 3
Arthur G. Brooks, 6m.

No.

3358

For Identification as a Mississippi Choctaw.

Date

AUG 27 1901

Name Francis Marion Brooks

Age 37

Blood

8

Post Office, Vaughan, Texas

Father: John B. Brooks (dead)

Mother: Julia Ann Brooks (dead)

Claims through mother

wife: Lucretia Brooks ✓
(no claim for her)

Children:

Lyman M. Brooks 20

Julia M. " 14

Halter Marion " 9

Claims for self and 3 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3359

Hamilton D. Brooks

See MCR 3358

MCR 3359

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3359

In the matter of the application of Hamilton D. Brooks for identification of himself and his five minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Hamilton D. Brooks being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Hamilton D. Brooks.
Q What is your age? A Fifty-six.
Q What is your post-office address? A Collinville, Texas.
Q How long have you lived in Texas? A Since sixty.
Q Where did you live before you lived in Texas? A I lived in Kentucky.
Q How long did you live in Kentucky? A That's my birth place. I don't know just how long I lived there.
Q You were born there? A Yes.
Q Did you live there until you moved to Texas? A Yes I lived a little while in Illinois when we came to Texas I don't how long.
Q Was it as much as a year in Illinois? A Yes I suppose so not more than that.
Q Not more than that? A Well it might have been as much as two years. Just say one year.
Q What is your father's name? A John B. Brooks.
Q Is he living? A No he is dead.
Q What is your mother's name? A Julia Ann Brooks.
Q Is she living? A No she is dead.
Q Through which one of your parents do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A I claim one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I understand that she has.
Q How? A There was a man came to my house a year or two ago and he claimed that he married my mother's sister, the oldest one and my father married the youngest one and he said he came to hunt us up. He inquired for my father, for J. B. Brooks who married Julia Kelly and I told him he was dead and showed him where he had lived, showed him the place and he told me that he was my uncle and that he married Rachel Kelly the oldest one of the girls and my father married Julia the youngest one. This man's name I have forgot? I got his name but lost it somehow.
Q Why was he hunting you up? A He said we were on his rolls and that our father and grandfather died in Mississippi and his wife was dead. He said that he had five children and that there was something coming to us through our blood and he was hunting us up for that purpose.
Q Well was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians here in the Indian Territory? A Well I could not say whether her father and mother and brothers and sisters were enrolled in Mississippi and recognized as Choctaws I suppose that she was.
Q Did your mother ever live in Mississippi? A No she did not.
Q How could she be recognized there if she never lived there? A A Why she was recognized by her relatives.

- Q I asked you whether she had been recognized by the authorities of the United States or the Choctaw tribal authorities? A I think not.
- Q Are you married? A Yes.
- Q What is your wife's name? A Mary Ann Brooks.
- Q Is she living? A Yes.
- Q Do you make application for your wife? A No.
- Q She is a white woman and makes no claim to Choctaw blood? A She makes no claim.
- Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application? A Yes I claim citizenship for five.
- Q Five? A Yes.
- Q Give the names and ages of these children? A The oldest ones name is Mary Ann Brooks, age about eighteen.
- Q Next? A Lyman M. Brooks?
- Q How old? A He is about sixteen.
- Q Next? A Tuley.
- Q How do you spell that? A T-u-l-e-y.
- Q How old? A Fourteen.
- Q Is that a boy or girl? A Boy.
- Q Next? A Charles P. Brooks age about twelve.
- Q Next? A Estella.
- Q E-s-t-e-l-l-a? A Yes.
- Q How old? A Age about nine.
- Q Is that all? A Yes.
- Q These are your children? A Yes.
- Q What is the name of their mother? A Mary Ann.
- Q When and where were you married to her? A I was married in the year sixty-four in the Chickasaw Nation.
- Q Were you living in the Chickasaw Nation then? A No.
- Q She was living there was she? A No.
- Q How did you happen to be married there? A We run away.
- Q Did you get a license to marry? A We married under their laws at the academy.
- Q Under the Chickasaw laws? A Yes.
- Q Well the Chickasaws did not have any law under which white people could marry? A Yes if people took a license from other States and took them to the academy, the preacher at the academy married a man and woman and gave them a certificate.
- Q Did you get a license to marry? A No they just drew up a license after we got there, a certificate.
- Q Have you that certificate with you? A Yes.
- Q Let me see it? A (handed by applicant)
- Q Do you wish to offer that certificate or a certified copy thereof in evidence? A Yes.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe, you or your children? A No not until now.
- Q Well this is the United States authorities not the Choctaw tribal authorities? A No I never applied to the Choctaw tribal authorities.
- Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No not yet.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q And you now claim as a Mississippi Choctaw? A Yes.

The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act, which provides:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Under this law the Commission has authority to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and a few of them in the western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the River but some of the Indians did not want to come to the new Country west of the River and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to stay in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to, any portion of the Choctaw annuity."

Under this article those Choctaw Indians who did not want to come west could go to the Indian Agent there and tell him that they wanted to stay in Mississippi and they would get land for themselves and their children from the government and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right as Choctaw citizens but if they ever removed would not be entitled to any portion of the Choctaw annuity."

Within six months after that treaty was ratified a great many Indians went to the Indian Agent there and told him that they wanted to stay but when a locating agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent whose names did not appear on the list which he had made, so on March 3, 1837 and August 23, 1842 Congress passed acts providing for the appointment of Commissioners to go down into Mississippi and investigate the matter and find out which of these Indians had a right to land there under the fourteenth article of the treaty of eighteen hundred and thirty. Under these acts of Congress the Commissioners went to Mississippi and took up these claims and examined into them and passed on several hundred cases. Some of the claims they allowed and some of them they refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if the land had been disposed of they were given scrip with which they could locate land from any of the public lands in the States of Mississippi, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A I don't know whether our grandfather was a land owner or not but he and the family lived there in Mississippi.
- Q Did they live there in eighteen hundred and thirty? A I could not answer that for certain but they lived in Mississippi.
- Q How much Choctaw blood did he claim to have? A My mother claimed that he was one-half Choctaw, I never heard him make any claim that was my mother's claim.
- Q That was your mother's father Thomas Kelly? A Yes.
- Q What was your mother's mother's name? A Elizabeth Kelly, (to stenographer) Spell that K-i-l-l-e-y.
- Q How does it happen that you spell it Kelly now? A That has been adopted by some way since. We assume that was the way to spell it. I understand that Killey is Choctaw and Kelly would be English but I don't know if that is the case.
- Q Well you spell it K-e-l-l-y now don't you? A Yes that is the way we introduced that deed.
- Q The deed that your sister Mrs. Bomberger introduced? A Yes.

Now, in order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to show that your grandfather Thomas Kelly lived in the old Choctaw Nation in eighteen hundred and thirty and was a Choctaw Indian and that you are his lineal descendant and it will be necessary for you to show that he went to the Indian Agent there within six months after the treaty was ratified and told him that he wanted to stay there or that he attempted to do so.

- Q Have you any evidence on these points? A No not at present.
- Q Do you think you will be able to secure such evidence? A I think so.
- Q Have you any papers that you want to file now in support of your application? A Yes I have some.

Written application of Hamilton D. Brooks offered in evidence marked exhibit "A" filed and made a part of the record in this case.

#5

- Q How do you spell your name Mr. Brooks? A B-r-o-o-k-s or did you mean the other name.
Q It looks here as though it was signed B-r-o-o-k-s. Is that intended for an S? A Yes that should be an S.

Q
Joint affidavit of George W. Diamond and Ed Short offered in evidence marked exhibit "B" filed and made a part of the record in this case.

Joint affidavit of Thomas and Armatha Welch offered in evidence marked exhibit "C" filed and made a part of the record in this case.

Certified copy of marriage certificate between H. D. Brooks and M. A. Hall offered in evidence marked exhibit "D" filed and made a part of the record in this case.

Joint affidavit of George W. Diamond, W. A. Walker and J. D. Ritchey offered in evidence marked exhibit "E" filed and made a part of the record in this case.

- Q Do you know Ed Short, George W. Diamond, Thomas and Armatha Welch J. D. Ritchey and W. A. Walker? A Yes.
Q Who are they? A Citizens of Grayson County, in the community of Whitesboro.
Q Are they Indians? A No.
Q They don't any of them state that they knew your grandfather Thomas Kelly? A I am aware of that.
Q You have no evidence here then in regard to your grandfather Thomas Kelly have you? A No I want that open to introduce evidence.
Q Do you expect to introduce evidence in regard to your grandfather? A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

- Q You claim that your grandfather Thomas Kelly was enrolled in Mississippi do you? A Yes that is my understanding that his name was on the roll. My information came from the man who claimed to be my uncle.
Q Your uncle by marriage? A Yes.

Copy of Ward's register of names of persons who within six months after the ratification of the treaty signified their intention of remaining in Mississippi and becoming citizens of the United States, examined, and the name of Tom Kelly or Killey not found thereon.

List of claimants under the fourteenth article of the treaty of eighteen hundred and thirty whose claims were allowed by Commissioners appointed under acts of Congress examined and the name of Tom Kelly or Killey not found thereon.

- Q You did not get any information as to when or how your grandfather was enrolled? A No.
Q And you don't know the names of these cousins of yours who claim to have been enrolled in the Indian Territory in the

- present Choctaw Nation? A No I don't know the names. I would know the names of Richard Killey and David Killey if they were on the rolls, if their names was not changed.
- Q Who are they? A They are my mother's brothers.
- Q Did they come to the present Choctaw Nation with the other Choctaw Indians?
- A He said his wife died in Mississippi and I don't know how many more of them died in Mississippi.
- Q Who is this man that you are speaking of now? A He is the man who claimed to be my uncle.
- Q You don't know his name? A No I lost it. You see he married Rachel the oldest one of the Kelly children, he said she died in Mississippi and had five children living. He came to this Territory. When he came to my house he said he was coming here. Is there such a thing as a Mississippi roll that is different from the other Indian rolls.
- Q I have examined all the rolls that we have here. Do you know whether Thomas Kelly ever had a Choctaw name? A My understanding is that the name Killey is a Choctaw name, I don't know whether he had any other name or what the name is in Choctaw because I don't understand that language.

This applicant has grayish black hair, heavy beard, dark eyes and dark complexion. His features and general appearance are those of a white man and he shows no traces of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his grandfather lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 27, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 15th day of November 1901.

Charles Mitchell
Notary Public.

Muskogee, Indian Territory, September 13, 1901.

Messrs. Galloway & Heflin,
Attorneys at Law,
Sherman, Texas.

Gentlemen:-

Receipt is hereby acknowledged of your letter of September 3rd, enclosing certified copy of the marriage certificate between H. D. Brooks and M. A. Hall, which you offer for filing in support of the application for identification as Mississippi Choctaws, of Hamilton D. Brooks, et al.

You are advised that it appears from our records that on August 27th, 1901, Hamilton D. Brooks appeared before the Commission at Atoka, Indian Territory, and applied for the identification of himself and his five minor children as Mississippi Choctaws. On that date he filed among other papers copy of the marriage certificate between H. D. Brooks and M. A. Hall, certified to by D. H. Linebaugh Notary Public in the Central District of the Indian Territory.

Certified copy enclosed by you is herewith returned, as the same evidence has already been filed in this case.

Yours truly,

M.C.3359.

Enclosure A.B.113.

Muskogee, Indian Territory, September 26, 1901.

Messrs. Galloway & Heflin,
Attorneys at Law,
Sherman, Texas.

Gentlemen:-

Receipt is hereby acknowledged of your letter of September 17th, in which you ask whether or not a marriage celebrated in the Indian Territory under the marriage rites and customs of the Nation about the year 1860 or 1861, would give the contracting parties any rights as citizens of said Nation. You refer in your letter to marriage certificate between H. D. Brooks and M. A. Hall.

It appears from our records that Hamilton D. Brooks, on August 27th, 1901, appeared before the Commission at Atoka, Indian Territory, and applied for the identification of himself and his minor children as Mississippi Choctaws.

In reply to your letter you are advised that the Commission cannot at this time, take up any particular part of the evidence offered in support of applications for identification as Mississippi

C. & H. #2.

Cheetaws and pass upon the same, until the application is taken up
for consideration and decision,

Yours truly,

M.C. 3359.

COPY.

M C R 3359

Muskogee, Indian Territory, June 16, 1902.

Hamilton D. Brooks,

Collinsville, Texas.

Dear Sir:-

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah J. McGlendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Andrew A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher J. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Russon, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McMenamy, et al.,	" 4092
Charles L. Brooks,	" 4093

N D B #2

Nancy Arvey Wisinger, et al.,
Robert A. Brooks,
Willie Blackwell,

M C R 4350
" 4351
" 4352

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

" It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah E. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley M. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrose A. Brooks, Mattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey G. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy,

H D B #3

Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russon, Grover C. Russon, Robert L. Russon, Hala M. Russon, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reta McMenamy, -- McMenamy, (infant unnamed), Charles L. Brooks, Nancy Arvey Winger, Alleta Winger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tamc Dixby.

Registered.

Acting Chairman.

COPY.

M O R 3350

Muskogee, Indian Territory, October 17, 1902.

Hamilton D. Brooks,
Collinsville, Texas.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

Yours truly,
Acting Chairman.

M C R 3372

M C R 3387

M C R 3389

Muskogee, Indian Territory, September 17, 1903.

C. L. Galloway,
Attorney at Law,
Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask if the Mississippi Choctaw cases of Hamilton D. Brooks, et al., Anna L. J. Bombarger, and Andrew J. Brooks, et al. have been "referred back" to the Commission.

The Commission has not up to the present time been notified of the remanding of any of the above mentioned cases by the Secretary of the Interior.

Respectfully,

Chairman.

No. 359

For Identification as a Mississippi Choctaw.

Date AUG 27 1901

Name Hamilton D. Brooks

Age 36 Blood 1/8

Post Office, Collinsville, Texas

Father: John B Brooks (dead)

Mother: Julia Ann Brooks (dead)

Claims through mother

wife: Mary Ann Brooks -
(no claim for her)

Children:

Mary Ann Brooks	18
Lynnan M	16
Julia	" (M) 14
Charles P	" 12
Estella	" 9

Claims for self and 3 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3360

Price W. Brooks

See MCR 3358

MCR 3360

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3360

In the matter of the application of Price W. Brooks for identification of himself and his five minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Price W. Brooks being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Price W. Brooks.
Q What is your age? A Fifty-four.
Q What is your post-office address? A Belcher ville, Texas.
Q How long have you lived in Texas? A Since the year 1860.
Q Where did you live before you moved there? A In Grayson County.
Q Where did you live before you moved to Texas? A In Kentucky.
Q How long did you live in Kentucky? A About thirteen years.
Q You were born in Kentucky? A Yes.
Q And lived there until you moved to Texas? A Yes, except a short time in Illinois.
Q About how long in Illinois? A I was small then I think something like two years.
Q What is your father's name? A John B. Brooks.
Q Is he living? A No he is dead.
Q What is your mother's name? A Julia Ann Brooks.
Q Is she living? A No she is dead.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Sarah Melinda Brooks.
Q Is she living? A Yes my present wife is, I have been married twice.
Q Do you make application for your wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A No.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes.
Q How many? A Five.
Q Give the names and ages of these children? A Elma Dean Brooks.
Q D-e-a-n? A Yes.
Q How old? A About eleven years old.
Q Next? A Jessie. Q Boy or girl? A Girl.
Q How old? A Nine about.
Q Next? A Price Logan Brooks. Q A boy? A Yes.
Q How old? A About seven. Earl Leon.
Q L-e-o-n? A Yes.
Q How old? A About five years old.
Q Next? A Nellie.
Q How old? A About eighteen months old.
Q These are your children? A Yes.
Q What is the name of their mother? A Sarah Melinda Brooks.
Q She is the mother of all five of these children? A Yes.
Q When and where were you married to her? A I was married to her February 5, 1889, in Montague County Texas.
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A I have no marriage certificate but my marriage is recorded in Montague County Texas.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your minor children.

#2

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in eighteen hundred and ninety six apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Not to my personal knowledge.
- Q That was only five years ago. Did you make application then? A No.
- Q Did you authorize anybody to make one for you? A No.
- Q Then you have no reason to think that one was made for you? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q You claim now as a Mississippi Choctaw? A Yes.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A No I don't exactly understand the treaties.

The law under which the Commission is acting at this time in hearing these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act, and is as follows:

"Said Commission shall have authority to, determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Under this law the Commission has the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi so the fourteenth article was made a part of the treaty for the benefit of these Choctaws who wanted to stay there in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there but when a locating Agent was sent down to locate the land for these Indians he found that there were a great many who claimed they had gone to the Indian Agent whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down there into Mississippi and investigate the matter and find out just which of these Indians were really entitled to lands there under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred cases. In those cases which they allowed if the land claimed by the Indian had not already been sold it was given to them. If it had been sold they were given scrip which was redeemable in land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of ancestors own land in any of these States? A Not that I know anything about.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A John Kelly.
- Q What relation was John Kelly to you? A John Kelly was my grandfather. ---According to my understanding.
- Q Your mother's father? A Yes.
- Q Well your brothers and sisters who have applied here to day have given the name of your mother's father as Tom Kelly? A Tom Kelly I mean., that was a mistake of mine.
- Q What was your mother's mother's name? A Elizabeth Kelly. It was Tom Kelly who claimed to be Choctaw.
- Q How much Choctaw blood did Tom Kelly claim to have? A One-half.
- Q Did Tom Kelly come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A A My mother understood that he did.
- Q That he came to this Choctaw Nation in Indian Territory? A Not to this, he came west.
- Q When do you understand that he left Mississippi? A In about the year eighteen hundred and thirty is the best that I remember about it.
- Q Where did he die? A I don't know of my personal knowledge.
- Q Did you ever hear? A The best information she could give he died in Mississippi.

- Q Well I asked you when he left Mississippi and you said in eighteen hundred and thirty and now you say he died in Mississippi? A Well that is another mistake of mine, I thought you meant North Carolina.
- Q Did you father live in North Carolina? A No that is where he left my mother in North Carolina or South Carolina I don't know which.
- Q I asked you if Tom Kelly your grandfather came west of this Indian Territory with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I don't know.
- Q You say that you understand that he died in Mississippi? A Yes.
- Q Do you know about what time? A No.
- Q Do you know whether Tom Kelly went to the Indian Agent there in Mississippi within six months from the ratification of this treaty and told him that he wanted to stay there and take land there? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to show that your grandfather Tom Kelly lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and that you are his lineal descendant and that he within six months from the ratification of the treaty of eighteen hundred and thirty signified his intention to the Indian Agent of remaining there in Mississippi or tried to do so.

- Q Have you any evidence on these points? A Not at present.
- Q Do you expect to be able to secure evidence on this subject? A Yes I think so.
- Q You intend to try? A Yes.
- Q You understand that they are material points in your case on which you should secure evidence? A Yes.
- Q Have you any papers that you wish to file now? A Yes.

Written application of P. W. Brooks offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Joint affidavit of Ed Short and George W. Diamond offered in evidence marked exhibit "B" filed and made a part of the record in this case.

Joint affidavit of Thomas and Armatha Welch offered in evidence marked exhibit "C" filed and made a part of the record in this case.

Joint affidavit of George W. Diamond, J. D. Ritchey and W. A. Walker offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

- Q Are you acquainted with George W. Diamond, J. D. Ritchey, W. A. Walker, Thomas and Armatha Welch and Ed Short? A Yes.
- Q Are they any relation to you? A No.
- Q Who are they? A They are citizens of Texas.
- Q Have they any Choctaw blood? A No they never claimed it to me.
- Q They don't state in these affidavits that you offer that they know anything about your grandfather Tom Kelly? A No.
- Q Their knowledge is limited to your mother? A Yes.
- Q You have no evidence here to day in regard to your grandfather? A No.
- Q You expect to secure that? A Yes.

70

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

This applicant has grayish hair and mustache and brownish gray eyes and dark complexion. His features and general appearance are those of a white person and he shows no traces of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his grandfather lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 27, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 15th day of November 1901.

Clara Mitchell
Notary Public.

Muskogee, Indian Territory, September 26, 1901.

Messrs. Galloway & Heflin,
Attorneys at Law,
Sherman, Texas.

Gentlemen:-

Receipt is hereby acknowledged of your two letters of September 23rd, enclosing documentary evidence which you ask to have filed in support of the following applications for identification as Mississippi Choctaws.

Certified copy of marriage license and certificate between P. W. Brooks and S. M. Pogue, which you offer for filing in support of the application of Price W. Brooks, et al., for identification as Mississippi Choctaws. M. C. 3360.

Certified copy of marriage license and certificate between C. C. Brooks and D. B. Hobough, offered for filing in support of the application for identification as Mississippi Choctaws of Christopher C. Brooks et al. M. C. 3371.

Certified copy of marriage license and certificate between A. A. Brooks and Nancy D. Ury, offered for filing in support of the application of Ambrous A. Brooks et al., for identification as Mississippi Choctaws. M. C. 3373.

Certified copy of marriage license and certificate between

C. & H. 72.

Andrew J. Brooks and Mary Slavin, offered for filing in support of the application of Andrew J. Brooks et al., for identification as Mississippi Choctaws. M. C. 2372.

There is returned you herewith brief for appellee, in the case of Peter Fay et al., appellants, versus Cornelia Williams et al. appellees, which was evidently enclosed by mistake with your letters of September 23rd, 1901.

Yours truly,

Enclosure A. B. 1-26.

M C R 3360

Waskagee, Indian Territory, June 16, 1902.

Price W. Brooks,

Billserville, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Cheetaws:

Francis Marion Brooks, et al.,	M C R 3356
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McLendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3257
Hamilton D. Brooks, et al.,	" 3259
Price W. Brooks, et al.,	" 3260
Christopher C. Brooks, et al.,	" 3271
Andrew J. Brooks, et al.,	" 3272
Andrew A. Brooks, et al.,	" 3273
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3471
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John E. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3616
Mary A. Cunningham, et al.,	" 3619
Maud L. Eussen, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McManamy, et al.,	" 4092
Charles L. Brooks,	" 4093

P W B 42

Nancy Arvey Wininger, et al.,
Robert A. Brooks,
Willie Blackwell,

M C R 4380
" 4381
" 4382

These applications were made under the provision of the act of Congress of June 28, 1908, (35 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Solly Brate Burnett, Lowella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertie Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank C. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tulay Brooks, Charles P. Brooks, Estella Brooks, Price V. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur C. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrose A. Brooks, Mattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Densie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, David Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Mianie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy,

P W B 43

Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russem, Grever C. Russem, Robert L. Russem, Bula M. Russem, Iola A. Moore, Burt Moore, Minnie E. Moore, Edie C. Moore, Cora A. Moore, Richard M. Brooks, Fey H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lerena McMenamy, Rebe McMenamy, -- McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks, and Willie Blackwell as Cheotaw Indians entitled to rights in the Cheotaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such, should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED):

Tamc Birby.

Acting Chairman.

Registered.

COPY.

M C R 3360

Muskogee, Indian Territory, October 17, 1902.

Price W. Brooks,

Bilserville, Texas.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

Acting Chairman.

No. — 33,41

For Identification as a Mississippi Choctaw.

Date AUG 27 1901

Name Price W Brooks

Age 51 1/2 Blood 1/8

Post Office, Belcherille, Texas

Father: John P Brooks (dead)

Mother: Julia Ann Brooks (dead)

Claims through mother
wife: Sarah M Brooks
(no claim for her)

Children:

Elmer Dean Brooks	11
Jessie	" F 7
Price Logan	" 7
Earl Leorn	" 5
Nellie	" 18 mo.

Claims for self and 5 children.

Stenographer

G. Rosenwinkel

Choctaw MCR 3361

Lehman Lamb

MCR 3361

sub

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lehman Douglas Lamb,
et al., for identification as Mississippi Choctaws, M.C.R. 3361.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of

Lehman Douglas Lamb, et al.

	Page
original application of Lehman Douglas Lamb, et al., before the Dawes Commission for identification as Mississippi Choctaws.	1
Sworn petition of Lemmon D. Lamb addressed to the Dawes Commission in behalf of himself and his five minor children for identification as Mississippi Choctaws.....	7
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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3361

In the matter of the application of Lehman Lamb for identification of himself and his five minor children as Mississippi Choctaws.

Applicant represented by G. W. Goodwin attorney.

Lehman Lamb being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lehman Lamb.
- Q How do you spell that first name? A I have no education, you have to spell it yourself.
- Q What is your age? A Forty-six years.
- Q What is your post-office address? A Denison.
- Q Texas? A Yes.
- Q Have you a street number? A No.
- Q How long have you lived in Texas? A Since seventy-six.
- Q Where did you live before you lived in Texas? A In Missouri.
- Q How long did you live in Missouri? A About three years, three or four I would not say for certain.
- Q Where did you live before you lived in Missouri? A Illinois.
- Q How long did you live in Illinois? A Until I was about thirteen or fourteen.
- Q Were you born in Illinois? A Yes.
- Q What is your father's name? A Lamb.
- Q What was his given name? A I don't know.
- Q Is he living? A No.
- Q What is your mother's name? A Nancy Lamb.
- Q Is she living? A No.
- Q Through which one of your parents do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A One-eighth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
- Q Are you married? A Yes.
- Q What is your wife's name? A Mary.
- Q Is she living? A Yes.
- Q Do you make application for your wife? A No I have not.
- Q Do you now? A No I don't.
- Q She is a white woman and makes no claim to Choctaw blood? A No she don't claim any Choctaw.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes I have five children.
- Q Unmarried? A Yes.
- Q Under age? A Yes.
- Q Give the names and ages of these children? A Richard Lamb sixteen years old, Pearle Lamb, fifteen, Drusilla Lamb.
- Q Do you know how to spell that? A No.
- Q How old? A Thirteen years old. Nancy age eleven. Sataw.

- Q You know how to spell that? A No I don't.
 Q How old? A Seven years.
 Q These are your children? A Yes.
 Q What is the name of their mother? A Mary Lamb.
 Q When and where were you married to her? A In Grayson County in 1881.
 Q Were you married by an ordained minister or by an official? A
 A By a Justice of the Peace.
 Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Not with me I have not.

It will be necessary for the Commission to be supplied with evidence in support of your application for your minor children.

- Q A Alright I can get it.
 Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
 Q Have you ever applied to the Choctaw tribal authorities to have yourself or your children enrolled as members of that tribe? A No, never have been enrolled.
 Q Well did you ever apply? A Yes.
 Q When? A In 1896.
 Q To the Choctaw tribal authorities? A No not the Choctaw.
 Q To whom did you apply in 1896? A I gave the papers to Person but he said it was never acted upon. The law of June 7, 1897 cut me out and he said it was never acted upon for that reason.
 Q Was that application to be made to the Dawes Commission or the Choctaw council? A I could not tell I don't know.
 Q You say it was never acted upon? A I only know what the lawyer told me. That is what he said.
 Q You never got any notice of any action taken upon it? A No.
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No we never have.
 Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children enrolled or admitted as members of the Choctaw Nation? A No.
 Q That is except the one you spoke of? A Except the one I made in 1896, I have never been before the Committee, this is the first time in my life.
 Q What kind of an application do you want to make now? A What kind of one?
 Q Yes? A I have one I want to file here.
 Q You claim as a Mississippi Choctaw? A I certainly do.

Written application of Lemmon D. Lamb offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q In this written application which you offer for filing your name is given as Lemmon D. Lamb, when you gave your name a few minutes ago you gave it was Lehman Lamb? A Lehman D. Lamb is the way I told them and that is the way I told you.
 Q Then your middle initial is D.? A Yes my name is Lehman Douglas Lamb.
 Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I don't know anything about any of the treaties.

- Q You don't know why you make this claim then? A I make it because I have always been taught I was Indian.
- Q What kind of Indian? A Choctaw Indian.

The law under which the Commission is acting at this time in hearing these applications is found in section twenty one of the act of Congress of June 28, 1898, commonly known as the Curtis act and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh eighteen hundred and thirty and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and a few of them in the western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and moves them all to the Country west of the River but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty, for the benefit of these Indians who wanted to stay there in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that those Choctaw Indians who wanted to stay in Mississippi could go to the Indian Agent and tell him that they wanted to stay and they would get land for themselves and their children from the government and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed would not be entitled to any part of the yearly payments of Choctaw money.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there but when a locating agent was

sent down by the government to locate the land for the Indians it was found that there were a great many Indians who claimed that they had gone to the Indian Agent whose names were not found on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of these Indians were entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred claims, some of them they allowed and some they refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip which could be used in buying land from any of the public lands in the states of Mississippi Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A
- A I don't know.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a Choctaw Indian?
- A I don't know.
- Q What was your mother's father's name? A Jake Lamb.
- Q Did your mother marry a man whose name was the same as hers was? A I don't know anything about it. Her name is Nancy Lamb and my name is Lehman Douglas Lamb.
- Q And your mother's father's name is Jake Lamb? A Yes.
- Q But you don't know how it happened that your mother's name after she was married was the same as before she was married? A No I don't know anything about it.
- Q Did you ever know your mother? A I certainly did know her.
- Q How old would your mother be if she were living now? A She died two years ago, and she was sixty four years, two months and twelve days old when she died? A
- Q Then she would be about sixty six years old if she were living now? A Yes a little over sixty-six. She would have been sixty-six in May.
- Q Was your mother the oldest one of her mother's children? A No.
- Q How much older than she was the oldest one of her father's children? A I could not tell you. There was one child older.
- Q You don't know about how much? A No I don't.
- Q What was your mother's mother's name? A Polly.
- Q Polly Lamb? A Polly Lamb, when she married Jake Lamb, she was a Gaines before she married.
- Q Which one of your mother's parents claimed to be Choctaw? A Polly Gaines.
- Q Her mother? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be one-half Indian.
- Q Did she have any Choctaw name? A Have any Choctaw name?
- Q Yes? A I don't know her name was Polly.
- Q Did you know your grandmother? A Yes I seen her when I was little.
- Q Do you know what year she was married? A No I don't.
- Q She must have been married somewhere close to the year eighteen hundred and thirty? A I don't know.
- Q You say that your mother would be sixty-six years old if she were living now and that she had one brother older than she, that would throw the marriage of your grandfather and grandmother somewhere close to the year eighteen hundred and thirty, of course within two or three years of that time? A I can't give the exact time my good lady I don't know.
- Q Do you understand that it is important to your case? A Yes it

- might be important but if I don't know I can't tell it.
- Q I don't want you to tell it if you don't know it, but you might make some effort to find out
- Q You don't know whether your grandmother's name was Polly Gaines or Polly Lamb in eighteen hundred and thirty? A No I don't.
- Q Do you know what your grand mother's father's name was? A Her father was Steve Gaines that is what they told me.
- Q Do you know what her mother's name was? A No.
- Q Do you know which one of her parents was Choctaw? A Steve Gaines.
- Q Do you know whether he was living in eighteen hundred and thirty? A No I don't.
- Q Do you know whether Polly Gaines was living in Mississippi in eighteen hundred and thirty? A No I don't.
- Q Did you ever hear anything about that in your family? A I heard that she came from that Country.
- Q You don't know when she lived there? A No I don't.
- Q Did Polly Gaines or Steve Gaines come west to the present Choctaw Nation with the other Choctaw Indians between eighteen hundred and thirty three and eighteen hundred and thirty eight? A I don't know.
- Q You never heard? A I heard that they did not.
- Q Did either one of them go to the Indian Agent there within six months from the ratification of the treaty of eighteen hundred and thirty and tell him that they wanted to stay in Mississippi? A I don't know.
- Q You never heard anything about that? A No.
- Q You never heard whether they owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof that your grandmother Polly Lamb was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that you are her lineal descendant.

- Q A Do I know that she lived there or not.
- Q No I say it will be necessary for you to show that she lived there and that she was a recognized Choctaw Indian and that you are her lineal descendant and if she was not married in eighteen hundred and thirty that your great grandfather Steve Gaines lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and that Steve Gaines or Polly Lamb went to the Indian Agent there within six months after that treaty was ratified and told him that they wanted to stay in Mississippi and take land there.
- Q Have you any evidence on these points now? A I don't know whether I have or not.
- Q You know whether you have any evidence here now or not? A No I have none here.
- Q Do you expect to try to secure that? A I expect to try and get it I don't only expect to try but expect to establish it.
- Q Do you expect to bring your witnesses in person before the Commission? A No I don't know, if I don't I will bring affidavits.
- Q Could you get their depositions if you can't bring them here in person? A I think I can.
- Q You understand that the testimony of witnesses before the Commission in person is better than any other form of testimony, and if you can't do that the next best thing to do would be to get their depositions? A Yes I am aware of that.

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If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

- Q Have you any papers that you want to file now? A No only what I gave you.
- Q Have you any other statements that you would like to make? A No I have not.

This applicant has grayish hair and mustache which may have originally been black, dark eyes and dark complexion. His features and general appearance are those of a white person. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty although he states that he believes from family history that his grandmother lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 27, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 15th day of November 1901

Clara Mitchell

Notary Public.

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Copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lehman Douglas Lamb,
et al., for identification as Mississippi Choctaws, M.C.R. 3361.

--: D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Lehman Douglas Lamb for himself and his five minor children, Richard, Pearle, Drusilla, Nancy and Sutaw Lamb, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Steve Gaines, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Steve Gaines, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lehman Douglas Lamb, Richard Lamb, Pearle Lamb, Drusilla Lamb, Nancy Lamb and Sataw Lamb as Choctaw Indians entitled to rights in the Choctaw

lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

Jame Bixby.
Acting Chairman.

SIGNED.

I. B. Needles.
Commissioner.

SIGNED.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 30 1902

M. C. R. 3361

COPY.

Muskogee, Indian Territory, October 30, 1902.

Lehman Douglas Lamb,
Denison, Texas.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lehman Douglas Lamb, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lehman Douglas Lamb, Richard Lamb, Pearle Lamb, Drusilla Lamb, Nancy Lamb and Sutaw Lamb, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

--2--

together with such arguments, will be forwarded for review to the
Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Lame Dixon*
Acting Chairman.

Registered.

M. C. R. 3361

COPY.

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lehman Douglas Lamb, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lehman Douglas Lamb, Richard Lamb, Pearle Lamb, Drusilla Lamb, Nancy Lamb and Sutaw Lamb, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

--2--

which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNATURE) *Fame Dickey*
Acting Chairman.

M. C. R. 3361

COPY.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lehman Douglas Lamb, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,


Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 inclosure, M.C.R. 3361.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, December 13, 1902.

Land
69040-1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith, a report made November 15, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Lehman Douglas Lamb, for the identification of himself and his five minor children, Richard, Pearle, Drusilla, Nancy and Sutaw Lamb, as Mississippi Choctaws, claiming rights under the 14th Article of the Choctaw Treaty of 1830.

October 30, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Steve Gaines through Polly Lamb, (nee Gaines) his daughter, who the applicants claim was a member of the Choctaw tribe of Indians in Mississippi in 1830, and who complied or attempted to comply with the provisions of article 14 of the treaty. The applicants are not full-blood Choctaw Indians.

A careful search of the records of this office fails to show that Steve Gaines received a patent for land under the provisions of article fourteen of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it

appear that he applied to the Commission appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if he had any as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be affirmed.

Very respectfully,

(Signed)

A.C.Tonner,
Acting Commissioner.

C.T.C.(E.)

D.C. 568

COPY

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD. 7736-1902.

BAF
January 3, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Lehman Douglas Lamb and his minor children, Richard, Pearle, Drusilla, Nancy and Sutaw Lamb.

The applicants endeavor to trace their descent from one Steve Gaines, alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Steve Gaines, or a less remote ancestor, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stats., 513). You refused the application October 30, 1902.

Forwarding the papers December 13, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A Copy of his letter is inclosed.

-2-

The Department has carefully considered the record in the case and hereby affirms your decision.

Respectfully,

(Signed)

Thos Ryan

Acting Secretary

1 inclosure.

COPY.

H.C.R. 8361

Muskogee, Indian Territory, January 16, 1903.

Lehman D. Lamb,

Denison, Texas.

Dear Sir:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lehman Douglas Lamb, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in charge.

CONF.
M.C.R. 5361

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lehman Douglas Lamb, et al., of which decision you were advised by mail on the 30 th day of October, 1902.

Respectfully,

(SIGN)

[Signature]
Commissioner in charge.

No. 351

For Identification as a Mississippi Choctaw.

Date AUG 27 1901

Name *Lehman J. Lamb*

Age *46* Blood *78*

Post Office, *Denison, Texas*

Father: *— Lamb (dead)*

Mother: *Nancy Lamb (dead)*

Claims through *mother*

wife: *Mary Lamb* ✓
(no claim for her)

Children:

<i>Richard Lamb</i>	<i>16</i>
<i>Pearl</i>	<i>" 15</i>
<i>Driscilla</i>	<i>" 13</i>
<i>Nancy</i>	<i>" 11</i>
<i>Lutah</i>	<i>" 7</i>

Claims for self and 5 children

Stenographer

E Rosenwinkel

Choctaw MCR 3362

William J. Dobson

See MCR 3376

MCR 3362

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3362

In the matter of the application of William J. Dobson for identification of himself and his two minor children as Mississippi Choctaws.

Applicant not represented by attorney.

William J. Dobson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A W. J. Dobson.
Q What does that "W" stand for? A William.
Q D-o-b-s-o-n? A Yes D-o-b-s-o-n.
Q What is your age? A Thirty-two.
Q What is your post-office address? A Sherman.
Q Texas? A Yes.
Q Have you a street number? A I believe 336 South Baden street.
Q How long have you lived in Sherman? A Twelve years.
Q Where did you live before you lived in Texas? A Well first one place and then another.
Q Well where did you live just before you lived in Texas? A In Arkansas.
Q How long did you live in Arkansas? A About twelve years.
Q Where did you live before you moved to Arkansas? A In Missouri.
Q How long did you live in Missouri? A One year or two I was very small I think.
Q Were you born in Missouri? A No I was born in North Carolina and moved to Missouri when I was very small.
Q Do you remember going to Missouri? A No I remember leaving Missouri but not going there.
Q What is your father's name? A William Dobson.
Q Is he living? A Yes.
Q What is your mother's name? A Annie Dobson.
Q Is she living? A No she is dead.
Q Through which one of your parents do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Ida.
Q Is your wife living? A Yes.
Q Do you make application for her? A No.
Q She is a white woman and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to apply? A Yestwo.
Q Give the names and ages of these children? A Ella Marie, two years old, Verna Lee, one year old.
Q Is that a girl? A Yes.
Q You are the father of these children? A A Yes.
Q What is the name of their mother? A Ida Dobson.
Q When and where were you married to her? A In Sherman, in 1897.

- Q Did you obtain a license to marry? A Yes.
 Q Were you married by an ordained minister or an official? A Married by a minister.
 Q Have you your marriage license and certificate and do you wish to offer them in evidence? A No but I can get them.

It will be necessary for the Commission to be supplied with evidence of the marriage of yourself and your wife in support of the application you make for these minor children.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
 Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
 Q Did you or did any one for you in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
 Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
 Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
 Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
 Q This is the first application of any kind you have ever made? A Yes.
 Q What kind of an application do you want to make now? A Well I want to make an application covering all the rights and privileges of a Mississippi Choctaw under the treaty of eighteen hundred and thirty-three and eighteen hundred and sixty-six.
 Q What do you claim under the treaty of eighteen hundred and sixty-six? A There is a provision set aside in the treaty of eighteen hundred and sixty-six for the Mississippi Choctaws and their descendants.
 Q What do you claim under the treaty of eighteen hundred and thirty? A I don't know unless it is all the right and privileges of a Mississippi Choctaw.
 Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Dillen.
 Q What was his given name? A Elam
 Q Your mother's father? A On my mother's side.
 Q How much Choctaw blood did he claim to have? A I think he claimed to be one-half.
 Q How old would your mother be if she were living now? A She would be about 65 years old.
 Q Was she the oldest one of her father's children? A No I think not.
 Q How many children were there older than she? A Two I think.
 Q You know how much older the oldest one was? A No I don't know I suppose five or six years old, I could not say.
 Q You know in what year your grandfather Elam Dillon was married? A No I do not.
 Q You don't know whether he was the head of a family in eighteen hundred and thirty or not? A No I could not say that.

The law under which the Commission is acting at this time in hearing these applications is found in section twenty-one of the act of Congress of June 28, 1898 and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Under this law the Commission has the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi River but some of the Indians did not want to come and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west to the new Country. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article those Choctaws who did not want to come west could go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed would not have any part in the yearly payments of Choctaw money.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent and told him that they wanted to stay there in Mississippi and take land but when a locating Agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed they had gone to the Indian Agent whose names were not found on the list which the Indian Agent had made, so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed to go down into Mississippi and find out which of these Indians really had a right to land there under the fourteenth article of the treaty of eighteen hundred and thirty. These Com-

missioners took up and passed on a great many claims. In those claims where the Commissioners allowed them, and the action of the Commissioners was approved by the Secretary of the Interior and the President if the land which the Indians claimed had not already been sold it was given to them. If it had been sold they were given scrip. This scrip they could use in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did Elam Dillon own land in any of these states? A Not that I know of.
- Q Did Elam Dillon come west with the other Choctaws between eighteen hundred and thirty three and eighteen hundred and thirty eight? A I don't know that he did.
- Q Did he go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that he wanted to stay there and take land? A I don't know.
- Q You never hear about that? A No.
- Q You know Elam Dillon father's name? A No.
- Q Do you know what his mother's name was? A No.
- Q Do you know which one of his parents claimed to be Choctaw? A His father.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof showing that your grandfather Elam Dillon was a recognized Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty when the treaty was made and that within six months after the treaty was ratified went to the Indian Agent there in Mississippi and signified to him his intention of remaining in Mississippi or attempted to do so and that you are a lineal descendant of Elam Dillon.

- Q Have you any evidence on these points? No.
- Q You expect to secure any such evidence? A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

- Q Have you any papers that you want to file now? A No.
- Q Is there any other statement that you would like to make at this time in support of your application? A Nothing that I know of.
- Q Do you expect to bring your witnesses in person before the Commission? A No.
- Q Why not? A It will be impossible, they are so far off I don't know where to find them out.
- Q Can you get their depositions? A Yes.

This applicant has rather reddish hair and complexion is somewhat florid, his mustache reddish, blue eyes. His features and general appearance are those of a white man and he shows no traces of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although he states that his grandfather lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the foregoing cause on August 27, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 15th day of November 1901.

Oliver Mitchell Wood
Notary Public.

Muskogee, Indian Territory, December 4, 1901.

William J. Dobson,

Sterrett, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the second instant, inclosing affidavits of John Albertson and John Lewis in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been filed with the record in your case.

If you wish to offer any further evidence in support of your application, the Commission will hear the testimony of such witnesses as may present themselves in person at its office at Muskogee, Indian Territory; if the witnesses live in Mississippi, they may be heard at the office of the Commission at Meridian, Mississippi, between January 15 and February 15, 1902. If it is impossible to secure the personal attendance of witnesses, their depositions will be considered, if taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is inclosed herewith.

Yours truly,

Rules for dep.
MC 3362

Commissioner in Charge.

COPY.

M.C.R. 3302.

Muskogee, Indian Territory, July 14, 1902.

William J. Dobson,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Lee Dobson, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Lee Dobson, et al.,	M.C.R. 3376
William J. Dobson, et al.,	" 3362
Amos M. Dobson, et al.,	" 3366
Sallie Mitchell,	" 3367
Julius M. Dobson,	" 3363

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

V J D 8

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Lee Dobson, James Alexander Dobson, William J. Dobson, Ella Marie Dobson, Fern Lee Dobson, Jack M. Dobson, James Dobson, Willie Dobson, Ethel May Dobson, Nellie Mitchell and Julius M. Dobson, as Cherokee Indians entitled to rights in the Choctaw lands under the provisions of said article thirteen of the treaty of 1866, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Bixby.

Acting Chairman.

Registered.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3362

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 22, 1902.

William J. Dobson,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry Lee Dobson, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,


Acting Chairman.

3362

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 6 1902



ACTING CHAIRMAN





Department of the Interior

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED

William J. Dobson
Stovick

J. J.

No. 3222

For Identification as a Mississippi Choctaw.

Date AUG 27 1901

Name William J Dobson

Age 32 Blood 1/6

Post Office, Sherman Tex

Father: 336 D Badger St
William Dobson

Mother: Annie Dobson (dead)

Claims through mother
wife: Ida Dobson
(no claim for her)

Children:

Ella Marie Dobson 2

Virna Lee " F 1

Claims for self and 2 children

Stenographer

L. Rosenwinkel

Choctaw MCR 3363

Julius M. Dobson

See MCR 3376

MCR 3363

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3363

In the matter of the application of Julius M. Dobson for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Julius M. Dobson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Julius M. Dobson.
Q What is your age? A Twenty-three.
Q What is your post-office address? A Sherman, Texas.
Q Have you a street number? A No.
Q How long have you lived in Texas? A Eleven years.
Q Where did you live before that time? A In Arkansas.
Q How long did you live in Arkansas? A Eleven years.
Q Where did you live before you lived there? A I was born in Missouri and came to Arkansas when I was about a year old.
Q What is your father's name? A William Dobson.
Q Is he living? A Yes.
Q What is your mother's name? A Annie Dobson.
Q Is she living? A No.
Q Through which parent do you claim Choctaw blood? A Through my mother's side.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No I think not.
Q Are you married? A No.
Q Are you making this application for yourself? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to either the Choctaw tribal authorities in the Indian Territory or the United States authorities or have yourself admitted or enrolled as a member of the Choctaw Nation? A No.
Q This is the first application of any kind you have ever made? A Yes.
Q What kind of an application do you want to make now? A I want all the rights and privileges of a Mississippi Choctaw Indian under the treaty of eighteen hundred and thirty and eighteen hundred and sixty-six.

- Q What do you claim under the treaty of eighteen hundred and sixty-six? A I don't know about that?
- Q What do you claim under the treaty of eighteen hundred and thirty? A All the rights and privileges of the Mississippi Choctaws.
- Q Do you know what these rights and privileges are? A No I don't.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi in eighteen hundred and thirty when this treaty was made? A Dillon.
- Q What was his given name? A Elam.
- Q Was he a recognized Choctaw Indian? A I don't know whether he was or not.
- Q How much Choctaw blood do you claim to have? A One-half.
- Q Did he have any Choctaw name? A No sir I don't think he did.
- Q What relation was he to you? A He was my grandfather.
- Q Your mother's father? A yes.
- Q What was your mother's mother's name? A Dillon I don't know what her given name was.
- Q Do you know in what year your grandfather Dillon was married? A No I don't.
- Q How old would your mother be if she were living now? A About sixty-five.
- Q Was she the oldest one of her father's children? A No.
- Q You know how many children there were older than she? A I think there were two older than her.
- Q You think you will be able to get any evidence to show about what date your grandfather was married? A No I don't think I could.
- Q Do you know what Elam Dillon's father's name was? A No.
- Q Do you know which one of your grandfather's parents claimed to be Choctaw? A On my father's side.
- Q Well do you know which one of your grandfather's parents claimed to be Choctaw? A No I don't.
- Q Did Elam Dillon come west with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I don't think he did I don't know for certain.
- Q Did he go to the Indian Agent there within six months from the ratification of this treaty and tell him that he wanted to stay there in Mississippi? A No I don't think that he did.

The law under which the Commission is acting at this time in hearing these applications is found in section twenty-one of the act of Congress of June 28, 1898 commonly called the Curtis act which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians living then in Mississippi and a few of them in the western portion of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the River but some of the Indians did not want to move to this new Country but

preferred to remain in the old Choctaw Nation, and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to stay in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent and told him that they wanted to stay there in Mississippi and take land but when a locating agent was sent down by the government to locate the lands for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay whose names did not appear on the list which the Indian Agent had made, so under acts of Congress Commissioners were appointed, by acts of March 3, 1837 and August 23, 1842 and these Commissioners were sent down into Mississippi to investigate and find out which of these Indians really had a right to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases, some of them they allowed and some were refused. In those cases where the Commissioners allowed the claims and they were approved by the Secretary of War and by the president if the land which the Indians claimed had not already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Did Elam Dillon own land in any one of these States? A No I don't think he did.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to show that your grandfather Elam Dillon lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and that you are his lineal descendant and that he went to the Indian Agent there within six months after that treaty was ratified and told him that he wanted to stay in Mississippi or that he attempted to do so. Have you any evidence on these points?

A No I have not.

Q Do you expect to be able to secure any such evidence? A Yes I think so.

#4

- Q Can you bring your witnesses in person before the Commission?
A No.
- Q Why not? A I don't expect I can get them here.
- Q Where do they live? A I don't know where they live.
- Q If you can't bring them in person can you get their depositions?
A Yes sir.
- Q You understand that the oral testimony of witnesses carries more weight than depositions or affidavits? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in this case.

- Q Have you any papers that you want to file now? A No.
- Q Is there any other statement that you would like to make at this time in support of your application? A No.

This applicant has brown hair, brown eyes and rather dark complexion. His features and general appearance are those of a white person. He knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although he states that his grandfather lived in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above and foregoing cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 15th day of November 1901.

Clara Mitchell
Notary Public.

COPY.

M.C.R. 3363.

Muskogee, Indian Territory, July, 14, 1902.

Julius M. Dobson,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Lee Dobson, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Lee Dobson, et al.,	M.C.R. 3376
William J. Dobson, et al.,	" 3362
Ames M. Dobson, et al.,	" 3366
Hallie Mitchell,	" 3367
Julius M. Dobson,	" 3363

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J N D 8

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Lee Dobson, James Sylvester Dobson, William J. Dobson, Ella Marie Dobson, Verna Lee Dobson, Anos M. Dobson, Jimmie Dobson, Willie Dobson, Ethel May Dobson, Sallie Mitchell and Julius M. Dobson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Wm. D. Kirby

Acting Chairman.

Registered.

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3363

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 22, 1902.

Julius M. Dobson,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry Lee Dobson, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,



Acting Chairman.

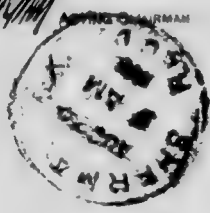
3363

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 26 1902

[Handwritten signature]



APR 29 1902

Julius M. Dobson,

SHERMAN,



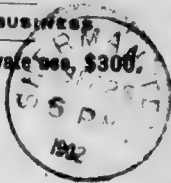
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



No. 3203

For Identification as a Mississippi Choctaw.

Date **AUG 27 1901**

Name *Julius M. Dobson*

Age *23* Blood *1/16*

Post Office, *Sherman Texas*

Father, *William Dobson*

Mother: *Annie Dobson (dead)*

Claims through *mother*

~~Children:~~

Claims for self alone.

Stenographer

G. Rosenwinkel

Choctaw MCR 3364

Mary C. Riddle

See MCR 1220

MCR 3364

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3364

In the matter of the application of Mary C. Riddle for the identification of herself and her minor child as Mississippi Choctaws.

L. D. Horton, attorney representing applicant.

Mary C. Riddle being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary C. Riddle.
Q How do you spell that? A R-i-d-d-l-e.
Q What is your age? A Thirty-nine.
Q What is your post-office address? A Durant.
Q Indian Territory? A Yes.
Q How long have you lived there? A Just about one year.
Q Where did you live before you lived there? A In Grayson County Texas.
Q How long did you live in Texas? A I was raised there.
Q Were you born there? A Yes.
Q Never had a home outside of that state until you came to the Indian Territory? A No.
Q What is your father's name? A Jonathan Hackler.
Q Is he living? A Yes.
Q What is your mother's name? A Mary Hackler.
Q Is your mother living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw Tribal authorities or the authorities of the United States? A She was before the Commission last Summer.
Q You mean she applied for identification as a Mississippi Choctaw? A Yes.
Q Are you married? A Yes.
Q What is your husband's name? A Lucius Lafayette Riddle.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A One.
Q What is that child's name and age? A Albert L. Riddle.
Q How old? A Thirteen.
Q You are the mother of this child? A Yes.
Q What is the name of his father? A The child's father.
Q Yes? A Lucius L. Riddle.

- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities to have yourself or your child admitted or enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your child in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q You claim now as a Mississippi Choctaw? A Yes.
- Q You claim under any of the treaties between the United States and the Choctaw Indians? A I don't know anything about the treaties. I have had them explained to me but don't remember them.
- Q What was the name of your ancestor who was a recognized member of the Choctaw tribe and lived in Mississippi in eighteen hundred and thirty? A Phillip and Rissie Payne.
- Q What relation were they to you? A Greatgrandfather and great grandmother.
- Q How old is your mother? A I don't know exactly, she is sixty-seven though I think.
- Q What is your mother's father's name? A Hiram Stanford.
- Q What is your mother's mother's name? A Elizabeth Stanford.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q Was your mother the oldest one of her mother's children? A I think there was one older.
- Q You know how much older? A No I don't.
- Q Do you know in what year your grandmother Elizabeth Standford was married? A No I don't.
- Q You know about what year? A No she died before I was born.
- Q You never hear your mother say anything about that? A I guess I have not lately.
- Q What was your grandmother's father's name? A Phillip Payne.
- Q What was your grandmother's mother's name? A Rissie Payne.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Phillip Payne her father.
- Q It was her father who claimed to be Choctaw? A Yes.
- Q You don't know then whether your grandmother's name was Elizabeth Payne or Elizabeth Stanford in eighteen hundred and thirty? A No I don't for I don't know when they married.
- Q Did you ever hear that your grandmother was enrolled in Mississippi? A No.
- Q Did you ever hear that your greatgrandfather was enrolled in Mississippi? A No.
- Q Do you know how old your grandmother would be if she were living now? A No I don't she has been dead forty years. She died before I was born.
- Q You don't know how old she was then? A No I don't.
- Q You think you will be able to get any evidence to show whether your grandmother's name was Elizabeth Stanford or Elizabeth Payne in eighteen hundred and thirty? A I suppose my mother knows.

By attorney.

We are undertaking now to ascertain whether or not her grandmother was married in eighteen hundred and thirty and whether or not her greatgrandmother was dead at that time.

By the Commission.

The law under which the Commission is acting at this time is found in Section twenty-one of the act of Congress of June 28, 1898, commonly known as the Curtis act, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Under this law the Commission has the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who were living at that time in the State of Mississippi and a few of them in the western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and move them all to the Country west of the Mississippi River, but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those who wanted to stay there in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article those Choctaw Indians who did not want to come west could go to the Indian Agent and tell him that they wanted to stay there in Mississippi and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of a Choctaw citizen but if they ever removed they would not get any part of the yearly payments of Choctaw money.

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent there and told him that they wanted to stay and take land there and become citizens of the United States but when an agent was sent down by the government to locate the lands for the Indians he found that there were a great many who claimed they had gone to the Indian Agent and told him that they wanted to stay whose names were not on the list which the Indian Agent had made, so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of these Indians were really entitled to land there under the fourteenth article of the treaty. These Commissioners passed on several hundred cases, some were allowed and some were refused. In those cases where the land had been sold which the Indians claimed they were given scrip which could be used to locate land in any of the public lands of the government in the States of Mississippi, Arkansas, Louisiana or Alabama. If the land they claimed had not been sold it was given to them.

- Q Did Phillip Payne or Elizabeth Stanford own land in any one of these States? A I don't know.
 Q You never heard about that? No.
 Q You think you could get any evidence to show whether they did or not? No answer.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to show that your grandmother Elizabeth Stanford was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty or if she was not married at that time and the head of a family that your greatgrandfather Phillip Payne was living in the old Choctaw Nation and was a recognized Choctaw Indian and that you are their lineal descendant and that Phillip Payne or Elizabeth Stanford went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay there in Mississippi or tried to do so.

- Q Have you at this time any evidence on these points? A Only what my mother has got.
 Q The evidence that has been filed in your mother's case? A Yes.
 Q Have you any papers that you want to file in your case??

By attorney.

"We do not desire to file any papers at this time".

- Q Are there any other statements that you desire to make at this time in support of your application? A No.

If you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

By attorney.

"I would ask that this case be referred for trial with the case of Mary Mackler," (M.R.R.-910)

46

This applicant has black hair, slightly curly, bluish-gray eyes and dark complexion. Her features and general appearance are those of a white person. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although she states that her grandmother lived in the old Choctaw Nation in eighteen hundred and thirty.

G. Rosenwinkel being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 27, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 15th day of November 1901

Clara Mitchell Wood
Notary Public.

Muskogee, Indian Territory, September 9, 1901.

Mr. L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 4th, enclosing written applications of Mary C. Riddle et al., Albert Sidney Hacklem et al., Austin Miller et al., Cordelia Wheless et al., and Emma E. Wheless, for identification as Mississippi Choctaws.

Also joint affidavit of R. W. Harrison and twenty-seven others, which you offer for filing in support of the application of Francis Marion Bain et al., for identification as Mississippi Choctaws, and joint affidavit of H. H. Williams and four others which you offer for filing in support of the application of Tellitha Bain for identification as a Mississippi Choctaw.

These papers have been filed and made a part of the record in the cases above named, and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

M.C. 3231
M.C. 3233
M.C. 3364
M.C. 3366
M.C. 3381
M.C. 3382
M.C. 3383

COPY.

M C R 3344

Muskogee, Indian Territory, July 21, 1902.

Mary C. Riddle,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford, Sr. et al., embracing the following applications for identification as Mississippi Choctaws:

W. C. Stanford, Sr., et al.,	M C R 1220
Mary Hackler,	" 910
Harriet Jane McRee, et al.,	" 911
John Stanford,	" 912
Mary Blue, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitts M. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 926
Jessie Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2702
Ida Milam, et al.,	" 2704
Mollie Reynolds, et al.,	" 2706
Bertie Day, et al.,	" 2199
Albert Sidney Hackler, et al.,	" 3343
Mary C. Riddle, et al.,	" 3344
Joe Milam, et al.,	" 3718
Valeria Cooper, et al.,	" 4006
Tommy Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nickles, et al.,	" 1924

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBea, John M. McBea, Paul McBea, Ruth McBea, Effie McBea, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lissie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Willer Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Eula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elizabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. R. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Nellie Reynolds, Hughie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert L. Riddle, Joe Milam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tempy Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M C R 43

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Woodcock

Commissioner in Charge.

Registered.

M. C. R. 3364.

Muskogee, Indian Territory, October 14, 1902.

Mary C. Riddle,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 2nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several person included in the consolidated case of W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

I. D. Needles.

Commissioner in Charge.

M.C.R. 3364.

Muskogee, Indian Territory, November 14, 1906.

Mary C. Riddle,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynolds of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanfodd, Sr., et al.

Respectfully,

Tams Beale
Commissioner.

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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Mary C. Riddle,~~

~~Durant,~~

~~Indian Territory.~~

No. 3264

For Identification as a Mississippi Choctaw.

Date AUG 27 1901

Name Mary O Riddle

Age 39 Blood 1/8

Post Office, Durant. I T.

Father: Jonathan Hackler ✓

Mother: Mary Hackler -

Claims through mother

husband: Lucius L. Riddle -
(no claim for her)

Children:

Albert L. Riddle 13

Claims for self and child

Stenographer

G. Rosenwinkel

Choctaw MCR 3365

Albert S. Hackler

See MCR 1220

MCR 3365

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

5365

In the matter of the application of Albert Sidney Hackler for identification of himself and his minor child as Mississippi Choctaw.

L. D. Horton, attorney representing applicant.

Albert Sidney Hackler being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Hackler.
Q Well, what is your given name? A Albert Sidney.
Q What is your age? A Thirty-four.
Q What is your post-office address? A Cumberland, Chickasaw Nation.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A About eighteen months.
Q Where did you live before you lived in the Indian Territory? A Texas.
Q How long did you live in Texas? A I was born and raised there.
Q Never had a home outside of the State of Texas until you came to the Indian Territory? A No.
Q What is your father's name? A Johnson Hackler.
Q Is he living? A Yes.
Q What is your mother's name? A Mary Hackler.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your wife's name? A Margaret.
Q Is she living? A Yes.
Q Do you make any claim for her? A No.
Q She is a white woman and makes no claim to Choctaw blood? A No.
Q Have you any children for whom you wish to make application? A One.
Q What is that child's name and age? A Lillie.
Q L-i-l-l-i-e? A Yes.
Q How old? A Eighteen months old I guess.
Q You are the father of this child? A Yes.
Q What is the name of her mother? A Margaret Hackler.

#2

- Q When and where were you married to Margaret Hackler? A Hunt County.
Q Texas? A Yes.
Q When? A Ninety-eight.
Q Did you obtain a License to marry? A Yes.
Q Were you married by an ordained minister or an official authorized to perform the marriage? A By a minister.
Q Have you your marriage license and certificate and do you wish to offer them in evidence? A No I have not got it.

By attorney.

"We have sent for same."

By the Commission.

It will be necessary for the Commission to be supplied with evidence of the marriage between yourself and your wife Margaret in support of the application you make for your minor child.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Did you ever apply to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as members of the Choctaw Nation? A No.
Q Is this the first application of any kind you have ever made? A Yes.
Q What kind of an application do you want to make now? A For me and my child.
Q What do you claim for yourself and your child? A Mississippi Choctaw.
Q Do you claim under any of the treaties between the United States and the Choctaw Nation? A I don't know anything about any of the treaties.
Q What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in the year eighteen hundred and thirty who was a recognized Choctaw Indian? A Phillip Payne.
Q What relation was he to you? A My greatgrandfather.
Q What was your mother's father's name? A Hiram Stanford.
Q What was your mother's mother's name? A Elizabeth Standord.
Q Which one of your mother's parents claimed to be Choctaw? A My grandmother.
Q Your mother's mother? A Yes.
Q Was your grandmother Elizabeth Stanford living in eighteen hundred and thirty? A No.-- I said no, I don't know whether she was or not. They got the family record burned up.
Q Well how old is your mother? A She is between sixty-five and sixty-eight.
Q Well was your mother the oldest one of her mother's children? A A No there is one older than her.
Q Then your grandmother must have been living in the year eighteen hundred and thirty, was she not? A I guess she was.

- Q Do you know if she was married at that time? A No I don't.
 Q What was your grandmother's father's name? A Phillip Payne.
 Q What was your grandmother's mother's name? A Rissie Payne.
 Q Which one of your grandmother's parents claimed to be Choctaw?
 A Her father.
 Q Did Phillip Payne or Elizabeth Stanford come west with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A No.
 Q Did either one of them go to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to stay there and take land? A I don't know whether they did or not.

The law under which the Commission is acting at this time gives it the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and move them all to the Country west of the Mississippi River but some of the Indians did not want to come west and the other's would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to remain there in the old Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

"Those Choctaws who did not want to go west could go to the Indian Agent under the provisions of this article, within six months after the treaty was ratified and tell him that they wanted to stay there in Mississippi and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the right of Choctaw citizens but if they ever removed would not be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay and take land and become citizens of the United States but when a locating agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed that they had

gone to the Indian Agent and told him that they wanted to stay whose names were not found on the list which the Indian Agent had made, so under acts of Congress of March 3, 1837 and August 23, 1842, Commissioners were appointed to go down into Mississippi and investigate this matter and find out just which of these Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases, some of them they allowed and some they refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip. This scrip could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did Phillip Payne or Elizabeth Stanford own land in any of these States? A Not that I know of.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to show that your grandmother Elizabeth Stanford was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty or if she was not a married woman and the head of a family at that time that your grandfather Phillip Payne was a recognized Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that you are their lineal descendant and that they went to the Indian Agent within six months after the treaty was ratified and signified their intention of remaining and becoming citizens of the States or that they attempted to do so.

- Q Have you any evidence on this points? A No.
 Q Do you expect to try to secure such evidence? A None only what my mother done got what she filed with her application.
 Q You don't expect to produce any other evidence in support of your application? A I don't know of any right at present.

By attorney.

" We think we will but are not certain."

By the Commission.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has black hair, blueish gray eyes and dark complexion. His features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his grandmother and great grandfather were living in Mississippi in eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 27, 1901, and that the foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 18th day of November 1901.

Clara Mitchell
Notary Public.

Muskogee, Indian Territory, September 9, 1901.

Mr. L. B. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 4th, enclosing written applications of Mary C. Riddle et al., Albert Sidney Hackley et al., Austin Miller et al., Cordelia Wholeless et al., and Emma E. Wholeless, for identification as Mississippi Choctaws.

Also joint affidavit of R. W. Harrison and twenty-seven others, which you offer for filing in support of the application of Francis Marion Bain et al., for identification as Mississippi Choctaws, and joint affidavit of H. H. Williams and four others which you offer for filing in support of the application of Tellitha Bain for identification as a Mississippi Choctaw.

These papers have been filed and made a part of the record in the cases above named, and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

N.C. 3231
N.C. 3233
N.C. 3364
N.C. 3365
N.C. 3381
N.C. 3382
N.C. 3383

COPY.

M C R 3368

Muskogee, Indian Territory, July 21, 1902.

Albert Sidney Hackler,
Cumberland, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford, Sr. et al., embracing the following applications for identification as Mississippi Choctaws:

W. C. Stanford, Sr. et al.,	M C R 1220
Mary Hackler,	" 910
Harriet Jane McBea, et al.,	" 911
John Stanford,	" 912
Mary Blue, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitts M. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 928
Jessie Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milan, et al.,	" 2704
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3368
Mary C. Riddle, et al.,	" 3364
Joe Milan, et al.,	" 3715
Valeria Cooper, et al.,	" 4005
Tempy Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nicklas, et al.,	" 1934

These applications were made under the provisions of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. C. Stanford, Sr., Carl C. Stanford, Marvin G. Stanford, Mary Hackler, Harriet Jane McBea, John W. McBea, Paul McBea, Ruth McBea, Effie McBea, John Stanford, Mary Blue, James Alfred Blue, Minnie Boulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pitts Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Eula May Stanford, Leola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elisabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. R. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Mollie Reynolds, Hughie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cora Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillie Hackler, Mary C. Riddle, Albert L. Riddle, Joe Milam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tempy Hoff, Vina Cox, Andrew Cox, Ester Cox, Rubie Nickles and Pearl Jane Nickles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A B H #3

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M. C. R. 3365.

Muskogee, Indian Territory, October 14, 1902.

Albert S. Hackler,

Cumberland, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3365.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1906.

Albert S. Hackler,

Cumberland, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynolds, of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al.

Respectfully,



Commissioner.

DEPARTMENT OF
Commissioner to the Fiscal

FILED

NOV 2 1906



Commissioner.



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



~~Albert S. Hackler,~~

~~Cumberland, Indian Territory.~~

Return to writer

Enclosed

3365

No. 3225

For Identification as a Mississippi Choctaw.

Date AUG 27 1901

Name Albert S. Hackler

Age 34 Blood 1/8

Post Office, Cumberland, D. T.

Father: Jonathan Hackler ✓

Mother: Mary Hackler ✓

Claims through mother
wife: Margaret Hackler ✓
(no claim for her)

Children:

Lillie Hackler 18 mo.

Claims for self and child.

Stenographer

G. Rosenwinkel

Choctaw MCR 3366

Amos M. Dobson

See MCR 3376

MCR 3366

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 27, 1901.

3366

In the matter of the application of Amos M. Dobson for identification of himself and his three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Amos M. Dobson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A A. M. Dobson.
Q What does that "A" stand for? A It stands for Amos.
Q What is your age? A My age is twenty-eight years old.
Q What is your post-office address? A Denison, Texas.
Q Have you a street number? A No, no street number.
Q How long have you lived there? A I have lived in Texas ten years.
Q Where did you live before you lived there? A I lived here in this town one year.
Q Indian Territory? A Yes.
Q How long did you live in the Indian Territory? A About one year.
Q That was just before you went to Texas? A Yes.
Q Where did you live before you went to the Indian Territory? A I lived in Arkansas.
Q How long did you live in Arkansas? A I lived there about twelve years.
Q Where did you live before you lived in Arkansas? A Missouri.
Q How long did you live in Missouri? A I was born there.
Q You lived in Missouri up to the time you removed to Arkansas? A Yes.
Q What is your father's name? A W M. Dobson.
Q Is he living? A Yes.
Q What is your mother's name? Her name was Ann Dobson.
Q That is the same as Annie Dobson? A Yes Annie Dobson.
Q Is she dead? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A I claim it through my mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your wife's name? A Bettie.
Q Is she living? A Yes she was Sunday.
Q Do you make application for your wife? A No I don't.
Q She is a white woman and makes no claim to Choctaw blood? A I think she is.
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application at this time? A Yes I have three.
Q Give the names and ages of these children? A Jimmie

#2

- Q Is that a boy? A Yes it is a boy.
- Q How old? A Seven years old on the 10th of next October. Willie he is a twin of Jimmie.
- Q Next? A Ethel May.
- Q How old? A She will be two years old the 10th of February next if she lives.
- Q You are the father of these children? A Yes I am.
- Q What is the name of their mother? A Bettie Dobson.
- Q When and where were you married to her? A I was married in the city of Sherman the 15th day of January. It will be eight years ago the 15th day of next January coming.
- Q Did you get a license to marry? A Yes I did.
- Q Were you married by an ordained minister or an official? A I was married by an ordained minister.
- Q Have you your marriage license and certificate and do you wish to offer them in evidence? A No I have not got it with me.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your three minor children. 2/

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever applied to the Choctaw tribal authorities to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in eighteen hundred and ninety six make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No we have not.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No we have not.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw nation? A No I have not.
- Q Is this the first application of any kind that you have ever made A Yes.
- Q What kind of an application do you want to make now? A I have not got any to make only I claim rights and privileges of a Mississippi Choctaw from eighteen hundred to thirty six and sixty six.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Dillon.
- Q What was his first name? A I don't know my grandmother's first name.
- Q I mean that Dillon's Christian or given name? A Mack Dillon.
- Q Are you a brother of William J. and Julius M. Dobson? A Yes I am the brother of Julius M. and William J. Dobson.
- Q Well they gave the name of their grandfather as Elam Dillon? A A Well Mack is all that I know him by, they may know more about it than I do. I know that my father always called him Mack, that is all that I know about it.

#3

- Q Which one of your mother's parents claimed to be Choctaw? A Her father.
- Q You are a full brother of William J. and Julius M. Dobson and your grandfather was theirs also? A Yes I am their full brother and my grandfather should be theirs too and my father always called him Mack.
- Q Was he living in the old Choctaw Nation in eighteen hundred and thirty? A I could not say anything about that.
- Q Have you ever been told anything about it? A No I have not been told anything about it and I have not had time to write about it and see.

The law under which the Commission is acting at this time gives it authority to determine the identity of Choctaw Indians who claim rights in the Choctaw lands under the fourteenth article of the treaty between the United States and the Choctaw Indians of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi River but some of the Indians did not want to leave their homes in the State of Mississippi and the other Choctaws would not sign any treaty until some provision was made for those who wanted to stay in the old Choctaw Nation, so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article if those Choctaw Indians who wanted to stay in Mississippi would go to the Indian Agent there within six months and tell him that they wanted to stay there, they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not get any part of the yearly payments of Choctaw money.

Within six months after the treaty was ratified a great many Indians went to the Indian Agent and told him that they wanted to stay there in Mississippi and become citizens of the United States but when a locating agent was sent down by the government

to locate the lands for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent whose names were not found on the list which the Indian Agent had made, so under acts of Congress of March 3, 1837 and August 23, 1842 Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of these Indians really had a right to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a great many claims, several hundred, some of them were allowed and some they rejected. In those cases where the claims were allowed by the Commissioners if the land claimed by the Indians had not already been sold it was given to them. If it had been sold they were given scrip. This scrip could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did Mack Dillon own land in any of these States? A I don't know that he did, if he did I don't know it.
- Q Do you know what Mack Dillon's father's name was? A No I don't.
- Q Do you know what his mother's name was? A No I don't.
- Q Do you know which one of his parents claimed to be Choctaw? A No I don't.
- Q Do you know how much Choctaw blood Mack Dillon claims to have? A No I don't.
- Q Do you know if Mack Dillon came west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and thirty eight? A I have been taught that.
- Q That he came to this Indian Territory? A Not not Mack Dillon himself.
- Q Who do you claim it was that came west? A I did not hear that he came I heard that his father came.
- Q Did Mack Dillon go to the Indian Agent in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay and take land in Mississippi? A I don't know whether he did or not.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to show that your grandfather Mack Dillon was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that you are his lineal descendant and that Mack Dillon within six months after the treaty was ratified went to the Indian Agent and signified his intention of remaining and becoming a citizen of the States or tried to do so.

- Q Have you any evidence on these points? A I think I can produce them.
- Q You expect to try? A Yes later on.
- Q Well how soon do you expect to try to produce this evidence? A Just as soon as I get time to write and find out.
- Q You understand do you that it is very material to have evidence on these points? A Well I think I can produce evidence.
- Q Well I say do you understand that it is material to your case to have this evidence? A Yes I think I do.
- Q And that you get it as quickly as possible? A Yes I think I do.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in this case.

#5

- Q A I have not got any more.
Q Well that is to give you an opportunity to file that evidence that you are speaking of, later on.
Q Is there anything else that you want to say? A No not now.

This applicant has the features and general appearance of a white man and does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and does not know whether they lived in Mississippi in eighteen hundred and thirty. He does not seem at all familiar with his family history and does not know the name of his ancestor further back than his grandfather whose given name is different as stated by him from that given by his brothers who have also applied here to day.

E. Rosenwinkel

Subscribed and sworn to before me this 15th day of November 1901.

Clara Mitchell
Notary Public.

COPY.

M.C.R. 3366.

Muskogee, Indian Territory, July 14, 1902.

Amos M. Dobson,

Denison, Texas.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Lee Dobson, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Lee Dobson, et al.,	M.C.R. 3376
William J. Dobson, et al.,	" 3362
Amos M. Dobson, et al.,	" 3366
Sallie Mitchell,	" 3367
Julius M. Dobson,	" 3363

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

A M D 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Lee Dobson, James Sylvester Dobson, William J. Dobson, Ella Marie Dobson, Verna Lee Dobson, Amos M. Dobson, Jimmie Dobson, Willie Dobson, Ethel May Dobson, Sallie Mitchell and Julius M. Dobson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Bixby.

Acting Chairman.

Registered.

M.C.R. 3366

Muskogee, Indian Territory, August 22, 1902.

Amos M. Dobson,
Denison, Texas.

Dear Sir:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry Lee Dobson, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

No. 3285

For Identification as a Mississippi Choctaw.

Date AUG 27 1901

Name Amos M Dobson

Age 28 Blood 1/16

Post Office, Dennison Texas

Father: W. M. Dobson ✓

Mother: Ann Dobson (dead)

Claims through mother
wife, Bettie Dobson ✓
(no claim for her)

Children:

<u>Jimmie Dobson</u>	<u>M</u>	<u>7</u>
<u>Allie</u>	<u>"</u>	<u>7</u>
<u>Ethel May</u>		<u>2</u>

Claims for self and children

Stenographer

W. Rosenwinkel

Choctaw MCR 3367

Sallie Mitchell

See MCR 3376

MCR 3367

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. August 27, 1901.

3367

In the matter of the application of Sallie Mitchell for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Sallie Mitchell being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sallie Mitchell.
Q What is your age? A Twenty-six.
Q What is your post-office address? A Bells.
Q Texas? A Texas, Yes.
Q How long have you lived there? A Twelve years.
Q Where did you live before you lived in Texas? A In Arkansas.
Q Where did you live before you lived in Arkansas? A In Missouri,
I was born in Missouri and came to Arkansas when I was about one
year old.
Q What is your father's name? A William Dobson.
Q Is he living? A Yes.
Q What is your mother's name? A Annie Dobson.
Q Is she living? A No she is dead.
Q Through which one of your parents do you claim your Choctaw
blood? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A W. F. Mitchell.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to make application at
this time? A No.
Q You are making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
Indian Territory? A No.
Q Did you ever apply to the Choctaw tribal authorities in the
Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Com-
mission for citizenship in the Choctaw Nation under the act of
Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by
the Choctaw tribal authorities or by the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation
by a judgment of the United States Court in Indian Territory on
appeal from the decision of the Dawes Commission or the Choctaw
tribal authorities? A No.
Q Have you ever before this time applied to either the Choctaw tri-
bal authorities or the authorities of the United States to have
yourself admitted or enrolled as a citizen of the Choctaw Nation?

- A No.
- Q Is this the first application of any kind that you have ever made?
A Yes.
- Q What kind of a claim do you make now? A I have been taught that we had a right.
- Q Right to what? A A right with the Choctaw Indians.
- Q You claim as a Mississippi Choctaw? A Yes.
- Q You claim under any of the treaties between the United States and the Choctaw Indians? A Yes I reckon so.
- Q What treaty do you claim under? A Sixty-six.
- Q What do you claim under the treaty of eighteen hundred and sixty-six? A I claim Choctaw blood from my ancestor.
- Q Do you claim that under the treaty of eighteen hundred and sixty-six? A I don't know.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Why my great grandfather's name was Amos, but whether he lived there or not I could not say.
- Q Well what was the name of the one who did live there in eighteen hundred and thirty? A I don't know whether there was any living there then or not.
- Q What was your mother's father's name? A Amos Dillon.----Elam Dillon it is, excuse me I got it wrong.
- Q What was your mother's mother's name? A I don't know.
- Q Which one of your mother's parents claimed to be Choctaw? A Her father.
- Q How old would your mother be if she were living now? A She would be sixty-five.
- Q Was she the oldest one of her father's children? A No.
- Q How much older was the oldest? A About six years older.
- Q Then your grandfather Elam Dillon must have been a married man and the head of a family in eighteen hundred and thirty? A I don't know.
- Q You said that your mother would be sixty-five years of age if she were living now and that her oldest brother or sister was six years older than she was which would make seventy-one years. Then your grandfather's oldest child must have been born about the years 1830? A Yes.
- Q Then your grandfather must have been a married man and the head of a family in eighteen hundred and thirty? A Yes he must.
- Q Do you know where Elam Dillon was living in eighteen hundred and thirty? A No.
- Q Have you ever heard where he was living at that time? A No.
- Q Well what makes you think that he was a Choctaw Indian? A Well he claimed it.
- Q Did you ever see him? A Yes.
- Q Where did you know him? A When I knew him he was in Arkansas.
- Q How long ago was that? A It was about ten years.
- Q Where did you first know your grandfather? A In Missouri where I was born.
- Q Do you remember him ever since you can remember as being in Missouri? A Yes.
- Q Do you know where he came from to Missouri? A From North Carolina.
- Q Do you know when he left North Carolina? A No.
- Q Had he always lived in North Carolina? A I don't know whether he had or not.
- Q Well did he claim that he was a Choctaw Indian? A Yes.
- Q Have you any evidence to show that he was? A No.
- Q Did he come west with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty three and eighteen hundred and thirty eight? A No not that I know of.

- Q Did he go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay and become a citizen of the United States? A No.
- Q Did he ever live in Mississippi? A Not that I know of.
- Q Did any of your ancestors ever live in Mississippi? A Not that I know of.
- Q What makes you think that you are a Mississippi Choctaw? A Just upon that.
- Q Just upon that none of your ancestors ever lived in that State? A No answer.
- Q I asked you if you had always been taught that you were a Mississippi Choctaw when none of your ancestors ever lived in that State? A I don't know that they did, they might have lived there years ago.
- Q Well have you any evidence to show that your grandfather ever lived in Mississippi? A No we have none yet.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi River but some of the Indians did not want to come west and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and become citizens of the States but when a location agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay whose names were not on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of these Indians were really entitled to land there in Mississippi. Under the fourteenth article of the treaty. These Commissioners took up and passed on a great many claims, some of them they allowed and some they refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War if the land which the Indians claimed had not already been sold it was given to them. If it had been sold they were given scrip

#4

with which they could buy land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Did Efram Dillon own land in any of these States? A No not that I know of.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to show that your grandfather was a recognized Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty and that you are his lineal descendant and that he within six months after the ratification of the treaty of eighteen hundred and thirty went to the Indian Agent and told him that he wanted to stay there in Mississippi or attempted to do so.

Q Have you any evidence on these points? A No.

Q Do you expect to be able to get any evidence on these points?

A We expect to try.

Q Do you expect to bring witnesses in person before the Commission? A No we can't do that.

Q Why not? A It is too far.

Q Where do they live? A I don't know whether I could tell you or not. I would have to write to different places.

Q If you can't bring your witnesses in person before the Commission can you secure their depositions or affidavits? A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

Q Have you any papers that you want to file now? A No.

Q Is there any other statement that you would like to make? A No.

This applicant has the appearance and features of a white woman and she shows no traces of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and does not know whether any of her ancestors ever lived in the State of Mississippi.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes He reported in full all the proceedings had in the above entitled cause on August 27, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 15th day of November 1901.

Clara Mitchell
Notary Public.

COPY.

M.C.R. 3367.

Muskogee, Indian Territory, July 14, 1902.

Sallie Mitchell,

Bella, Texas.

Dear Madam:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Lee Dobson, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Lee Dobson, et al.,	M.C.R. 3376
William J. Dobson, et al.,	" 3368
Amos M. Dobson, et al.,	" 3366
Sallie Mitchell,	" 3367
Julius M. Dobson,	" 3363

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

3 M 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Lee Dobson, James Sylvester Dobson, William J. Dobson, Ella Marie Dobson, Verna Lee Dobson, Anes M. Dobson, Jimmie Dobson, Willie Dobson, Ethel Kay Dobson, Sallie Mitchell and Julius M. Dobson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Bixby.

Acting Chairman.

Registered.

H.C.R. 3367

Muskogee, Indian Territory, August 22, 1902.

Ellie Mitchell,
Bella, Texas.

Dear Madam:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Missionsippi Choctaws of the several persons included in the consolidated case of Henry Lee Dobson, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

No. 3367

For Identification as a Mississippi Choctaw.

Date AUG 27 1901

Name Sallie Mitchell

Age 26 Blood 1/6

Post Office, Belles Texas

Father: William Dobson

Mother: Annie Dobson (dead)

Claims through mother

Husband: H. F. Mitchell
(No claim for him)

~~Children:~~

Claims for self alone:

Stenographer

G. Rosemunkel

Choctaw MCR 3368

Minnie Doss

See MCR 3065

MCR 3368.

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 26, 1900.

In the matter of the application of LaFayette Doss for the identification of his six minor children as Mississippi Choctaw.

LaFayette Doss, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A LaFayette Doss.
Q What is your age? A About fifty.
Q What is your post office address? A Robjohn, Alabama.
Q What county? A Choctaw county.
Q How long have you lived there? A I moved there in that country in 1875.
Q Are these your children that you make application for? A Said to be.
Q Your name is LaFayette Doss? A Yes sir.
Q What is the name of the mother of these children? A Laura Doss.
Q Is she dead? A Yes sir.
Q Have these children always lived with you at your home? A Yes sir.
Q And have always been supported by you? A Yes sir.
Q Through which one of the parents of these children do they claim their Choctaw blood? A Their mother.
Q How much Choctaw blood do you claim for these children?
A Three eighths.
Q How much Choctaw blood did your wife Laura have? A She is said to be three quarters.
Q How old was she when she died, do you know? A Thirty two.
Q When did she die? A In 1893, if I make no mistake; February 12, 1893.
Q She would be about forty if she was living now? A Yes sir.
Q Was she aslave before the war? A I don't know.
Q What was her other blood aside from her Choctaw blood you claim she had? A Colored.
Q What is your blood? A Well, I suppose my blood is from the colored and white.
Q Has your wife ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, or the United States authorities in Indian Territory? A Not that I knows of.
Q Give me the names of your children under twenty one years of age and unmarried that you want to make application for? A Minnie Doss.
Q How old is Minnie? A Eighteen years old.
Q These are not married, any of them? A No sir.
Q The next? A Fannie Doss.
Q How old? A She is seventeen.
Q The next? A Mary.
Q How old? A Sixteen.

LaFayette Doss, for his minor children, 2.

Q The next? A Mattie.
Q How old? A Fourteen.
Q The next? A William .
Q How old? A Twelve.
Q Is that all? A Floryya.
Q Is that a girl? A Yes sir.
Q How old? A Ten years old.
Q Was Laura the mother of these children? A Yes sir.
Q You are the father? A Yes sir.
Q They are living with you at your home? A Yes sir.
Q You are their father and natural guardian? A Yes sir.
Q And you make this application for them, claiming their Choctaw blood through your wife, Laura Doss? A Yes sir.
Q You claim 3/8 for these children? A Yes sir.
Q When and where were you married to your wife Laura? A I married her in '77; in Sumter County, Alabama.
Q What day of the month, do you remember? A February 7, 1877.
Q Were you married by a minister and under a license? A Married by a justice of the peace.
Q Under a license? A Yes sir.
Q Have you that license with you? A No sir.
Q Do you care to submit it later in support of the application you make for these children? A Yes sir.

A reasonable time will be allowed you in which to file your marriage license and certificate, or certified copies of them, in support of the application you make for these children.

Q Are the names of these children for whom you make application to be found upon any of the Choctaw tribe rolls in Indian Territory?
A No sir.
Q Did you, or any one else, in their behalf, ever make application to the Choctaw tribal authorities in Indian Territory for the enrollment of these children as members of the Choctaw tribe? A No sir.
Q Did you, or any one else, in their behalf, ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
A No sir.
Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.
Q Did you or any one else ever make application before this time for these children, either to the Choctaw tribal authorities or the authorities of the United States for their admission or enrollment as citizens of the Choctaw Nation? A No sir.
Q Do you make application before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for these minor children under article 14 of the treaty of 1830? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830,

LaFayette Doss for his minor children 3.

between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of the treaty was to secure the removal of the Choctaws from Mississippi and Alabama to the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to go to the new country west of the Mississippi River, preferring to remain in Mississippi or Alabama. For the benefit of this class of Indians, the 14th article was put into the treaty. The 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the States for five years from the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that, do you? A I understand part of it; I don't know as I understand the whole.

Q Well, you understand that is the article under which you claim the right now to have these children identified, and do you think you understand it sufficiently now to make a clear claim under it? A Yes sir, I can make a clear claim under it.

Q Did any of the ancestors of these children ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Were any of the Choctaw ancestors of these children living in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty of Dancing Rabbit Creek was made? A Not as I know of.

Q Were any of the Choctaw ancestors of these children recognized members of the Choctaw tribe of Indians in 1830, or any time before that? A No sir.

Q Did any of the ancestors of these children own any improvements on land here in Mississippi or Alabama in 1830, or any time previous to that year? A No sir.

Q Did any of your Choctaw ancestors -- the Choctaw ancestors of these children, go from Mississippi or Alabama to the Indian Territory when the other Indians went there between the years 1833 and 1838? A Not as I know of.

Did any of the Choctaw ancestors of these children, within six months after the ratification of the treaty of 1830, tell the United States

LaFayette Doss, for his minor children, 4.

Indian Agent living in Mississippi that they intended to stay in Mississippi and take land there and become citizens of the United States? A Not as I know of.

Q Did the ancestors of these children, if Choctaw Indians, ever receive any land or any other benefits under article 14 of the treaty of 1830? A Not as I know of.

Q Did they ever receive any benefits under any other article of the treaty of 1830, than article 14, or under the supplement to the treaty? A Not as I know of.

Q You say their claim comes through their mother, and that she was 3/4 Choctaw Indian? A Yes sir.

Q Through whom did she claim her Choctaw blood? A Both her father and mother.

Q What was her father's name? A Tecumseh Young.

Q What was her mother's name? A Fannie Young.

Q Do you know whether of them were slaves before the war? A No sir; I suppose they was; I don't know; I wasn't in this country.

Q Do you know through which parent, Tecumseh Young claimed his Choctaw blood? A No sir.

Q Do you know through which parent Fannie Young claimed her Choctaw blood? A No sir.

Q You don't remember back further than Tecumseh Young and Fannie Young, his wife, do you? A No sir.

Q You know nothing positive further back than that? A No sir.

Q Did either Tecumseh Young or Fannie Young speak the Choctaw language? A I don't know.

Q Do you know whether Fannie had an Indian name? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent here in Mississippi and to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that that agent failed to register and report to the Government, the names of many Choctaws who did really signify to him their intention to remain in Mississippi and take advantage of the provisions of article 14 of the treaty of 1830. On this account, in many instances, the lands upon which Indians had improvements and which they desired reserved for them under said article, were sold by the Government at its public land sales, and they were thus deprived of their land. This action of the Government has caused many complaints among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission, whose duty it was to come to Mississippi, and hear evidence in cases where Choctaws might claim that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but had not received land thereunder. In the year 1842 another commission was appointed for a similar purpose.

Q Did any of the ancestors of ~~either~~ these children appear before either of these commissions, appointed under the Act of Congress of March 3, 1837, or the Act of Congress approved August 23, 1842, and attempt to establish their rights under article

LaFayette Doss, for his minor children, 5.

14 of the treaty of 1830? A No sir, I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied ~~in~~ with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him/ These certificates were called scrip.

Q Did any of the ancestors of these children ever receive any scrip from the Government of the United States under this Act of Congress?

A No sir, I don't know.

Q So far as you know, have any of the ancestors of these children been recognized members of the Choctaw tribe of Indians? A No sir, I don't know.

Q Did they ever receive any benefits as Choctaw Indians, do you know? A Not as I know of.

Q Have you any witnesses here before the Commission to-day who would know anything about this claim? A No sir.

Q Have you any documentary evidence you would like to introduce? A I only brought a paper showing they were all Tecumseh's grand children; I brought that. No sir, I have no evidence.

A.W.Trotter, asks permission to file written evidence in support of this application within a reasonable time.

Permission is granted to the attorney for application to file any proper documentary evidence in support of this application within a reasonable time; also to introduce oral testimony in support of this claim.

Q Do you know of any of the kin people of any of these children who have made application to the Commission prior to this application?

A Yes sir.

Q Give me the names of some of those Dosses? A John Nathaniel Doss.

Q When did he come before the Commission? A July 1901. And Simmie Doss; those are my two cousins; four of the Youngs have made application.

Q Did they make application, too? A Yes sir.

Q What are their names? A Colonel Young, Cornelius Young, Eddie Young and Johnnie Young.

Q Those are all relatives of these children? A Their uncles.

Q You want to have the testimony that they gave at that time referred to when the application you make for these children is referred to? A Yes sir.

Q The proof that they submitted you want as proof in this case?

A Yes sir.

Q Are there any further statements that you wish to make in support of this claim? A No sir, I have another daughter that isn't here; I couldn't put her in; she wasn't able to get here; she is a married daughter; she will be up here later.

LaFayette Doss, for his minor children, &c.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 26th day of August, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi,
this 28th day of August, 1901.

[Signature]

Notary Public.

M.C.R. 3368

Muskogee, Indian Territory, January 6, 1903.

Minnie Doss,

Robjohn, Alabama.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Colonel L. Young, et al., embracing the following applications for identification as Mississippi Choctaws:

Colonel L. Young, et al.,	M.C.R. 3065
Cornelius Young, et al.,	" 3064
Eddie Young, et al.,	" 3063
John Young,	" 3062
Johnnie Doss,	" 3061
Simie Doss,	" 3066
Minnie Doss, et al.,	" 3368

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Col-

onnel L. Young, Coleman Young, Oliver Young, Celeste Young, Eula Young, Fannie Young, Colonel Young, Jr., Cornelius Young, Cornelius Young (2), Bennie N. Young, Eddie Young, Harry T. Young, Lee A. Young, John Young, Johnnie Doss, Sinie Doss, Minnie Doss, Fannie Doss, Mary Doss, Mattie Doss, William Doss and Floraya Doss, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 3368

Muskogee, Indian Territory, July 8, 1903.

Minnie Doss,

Robjohn, Alabama.

Dear Madam:

The Secretary of the Interior in his letter of June 25, 1903, returned to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Colonel L. Young, et al., with instructions that the several applicants therein be granted an opportunity to introduce further testimony in support of their claims.

The record shows that the applicants in this case derive their Choctaw blood from Tecumseh Young, an one half blood Choctaw and his wife, Fannie Young, a full blood Choctaw, and that the mother of Fannie Young was a full blood Choctaw woman named Sallie.

The Secretary of the Interior in his letter states that the records in the possession of the Government show "that there were thirteen persons of the name of Sallie (or of similar name) who complied or attempted to comply with article 14 of the treaty of September 27, 1830; also that there was a person named Tecumseh who received scrip by virtue of its provisions."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the

M.D.-----2

persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

M.D.---3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 8, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

C. 1000

H.C.R. 3368

Muskogee, Indian Territory, April 30, 1904.

Minnie Doss,

Robjohn, Alabama,

Dear Madam:

You are hereby notified that on the 21st day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Colonel L. Young et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

Isaac
Chairman.

1868
For Identification as a Mississippi Choctaw.

Date AUG 26 1907

Name Lafayette Doss
who appears for six minors -
Age of Blood Lafayette Doss, 50

Post Office, Polkton, Ala.
of children cal. & w.

Father: ^ Lafayette Doss, ^ (L)

of children Mother: Laura, 3/4 Choc. (L)

* children
Claims through mother & father

Children: Minnie Doss 3/8 18
Fannie " " 17
Mary " " 16
Mattie " " 14
William " " 12
Florey " F. " 10

Claims for children

Stenographer R.S. Strait

Choctaw MCR 3369

Sidney Hill

MCR 3369

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

**In the matter of the application of Sidney Hill et al.,
for identification as Mississippi Choctaws, M C R 3369.**

List of papers forwarded to Secretary of the Interior
comprising the record in above entitled case.

**Original application of Sidney Hill
et al., to the Dawes Commission for
identification as Mississippi Choctaws..... 1**

Testimony of Riley Dile..... 6

**Decision of the Commission refusing the
application of Sidney Hill, et al., for
identification as Mississippi Choctaws..... 8**

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, August 26, 1901.

In the matter of the application of Sidney Hill for the identification of himself and six minor children as Mississippi Choctaws.

Sidney Hill, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sidney Hill.
Q What is your age? A Fifty.
Q What is your post office address? A Ramsey, Alabama.
Q What county? A Sumter County.
Q Where were you born? A In Green County.
Q Mississippi? A No sir, Alabama.
Q How long did you live there? A I lived there when I was twelve years old.
Q And you went where? A Macon, Mississippi.
Q How long did you live there? A About eight years.
Q Where did you go then? A In Kemper County, Mississippi.
Q Long long did you live here? A I have been living here about twenty years, from here to Alabama, I live first one place and then another.
Q Did you ever live in any other States except Mississippi and Alabama? A No sir.
Q What is your father's name? A Jim Hill.
Q Is he living? A He is dead.
Q What is your mother's name? A Louisa.
Q Is she living or dead? A She is dead.
Q Through which one of your parents do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A About three quarters.
Q You claim three quarters? A I say he was about three quarters.
Q Well, how much do you claim? A About three eighths.
Q In other words, you claim to be nearly a half Choctaw Indian?
A (No, answer).
Q What was your father's other blood besides the Choctaw blood he had? A You are going most too far for me.
Q I am going to your father; what was his other blood; did he have any white blood? A I reckon so.
Q Well, do you know; don't reckon at all? A Well he was bright; he was a yellow man - bright yellow man.
Q Are you darker than he was? A Yes sir.
Q Do you know whether he had any white blood? A Yes, I reckon he did.
Q Do you know? A Well, I wouldn't like to say; I 'll tell you this; he was mixed up with Indian and white folks too.
Q Did he have any colored blood at all? A No sir, he was a bright man.
Q Didn't he have any negro blood? A It was so far back --
Q You know about his Indian blood and you know about his white blood; why don't you know about his colored blood? A That's what I want to know.

Sidney Hill, et al., 2.

Q How was his hair, was it curly? A Yes sir; he had long straight hair.

Q I asked you if he had curly hair, and you said yes; now you say it was straight; I want you to tell the truth and I am going to have the truth; was it curly or straight? A It was curly like.

Q You know mighty well; was his hair curly or straight? It was curly was it? A Yes sir. Its been a long time; I don't mean to forge nothing at all.

Q What was your mother's blood? A She was a colored woman.

Q Full blood negro was she? A I reckon so, sir.

Q Was your father a slave before the war? A Yes sir, he was called to be a slave, but he hired himself all the time -- you want the truth do you?

Q Yes, and I am going to have the truth; he was a slave was he?

A Yes sir; he was a slave.

Q Was your mother a slave before the war? A Yes sir, she was a slave.

Q Were you a slave before the war? A yes, sir, I was a slave.

Q Can you explain how it is that you have so much Choctaw Indian blood, and you were a slave before the war? And your father was a slave, and your mother was a slave? A No, sir; I couldn't.

Q Do you know anything about your father's father; your grand father? A No sir.

Q Or your father's mother? A No sir, because --

Q Were they slaves? A I couldn't tell anything about that.

Q Did you ever see them? A No sir, I never seen them.

Q You don't know whether they were slaves or not? A No sir.

Q Never heard? A Never heard.

Q Did your father have an Indian name? A His name was Jim Hill.

Q And he never had any other name to your knowledge?

A Not as I knows of.

Q Was he a slave in Mississippi or Alabama? A Slave in Mississippi.

Q In Mississippi or Alabama? A Miss ssippi.

Q Was his master's name Hill? A No sir, his master's name was Hall Brooks; he always said he taken his name from the old country you know.

Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory?

A I don't know sir.

Q Are you married? A Yes sir, I am married.

Q What is your wife's name? A Nancy.

Q What is her blood? A Well, she is negro.

Q Was she a slave before the war? A She wasn't born then.

Q Do you make any claim for her? A Well, no sir.

Q Give me the names of your children under twenty one years of age and unmarried? A Emma.

Q How old is Emma? A About eighteen.

Q The next? A Elijah.

Q How old? A Fourteen.

Q The next? A She is named Lela, about seven.

Q The next? A Rosa, about five.

Q The next? A Valley, three years old.

Q Is that a boy or girl? A Girl.

Q The next? A Lottie, eight months old.

Q Is Nancy the mother of all these children? A No sir.

Q What is the name of Emma, Fannie

And Elijah? A Yes sir.

Q And is Fannie the mother of Lela? A No sir.

Q Is Fannie dead? A Yes sir, she is dead.

Sidney Hill, et al., 3.

- Q What was Fannie's blood, negro? A No sir; she was half white.
Q And half negro? A Yes sir.
Q How were you married to Fannie, your wife, by a minister under a license? A Minister.
Q Under a license? A Yes sir.
Q Have you your license with you? A No sir.
Q How were you married to Nancy, by a minister and under a license?
A Yes sir.
Q Have you your license with you? A No sir.

You are advised that a reasonable time will be given you in which to file your marriage license and certificate to your wife, Fannie; also, marriage license and certificate to your wife, Nancy, or certified copies of the same, in order to support the application you make for these children.

- Q Is your name, or the names of your children to be found upon any of the Choctaw tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you, or any one for you, or your children, ever make application to the Choctaw tribal authorities, in Indian Territory, for citizenship in the Choctaw Nation? A No sir.
Q Did you, or any one for you, or for your children, ~~ever~~ in the year 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time for yourself or children to either the Choctaw tribal authorities, or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you now appear before the Commission for yourself and children for the purpose of claiming rights in the Choctaw lands in Indian Territory, under article 14 of the treaty of 1830? A I don't understand you. Go over that please.
Q You don't understand the 14th article of the treaty of 1830? A No sir, I don't understand that.

The treaty of Dancing Rabbit Creek, that's the treaty of 1830, the treaty made in the year 1830, was entered into in Mississippi on the twenty seventh day of September 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaw Indians occupied a part of the State of Mississippi and a small part of the State of Alabama. The purpose of the treaty being made was to get the Indians who lived in Mississippi and Alabama to go to the Choctaw nation, in Indian Territory, a country lying west of the Mississippi River. At the time when the treaty was being made, some of the Choctaws were unwilling to move to the new country.

Sidney Hill, et al., 4.

west of the Mississippi River, preferring to remain in what was then known as the old Choctaw Nation, in Mississippi and Alabama. For the benefit of those Indians who stayed in Mississippi and Alabama, in 1830, and refused to go the Territory, the fourteenth article was put in the treaty. An article in a treaty is simply a part of the treaty. The fourteenth article of the treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now, do you claim under that article? A Yes sir.
- Q Do you understand that? A Yes sir; I understand that.
- Q If you don't understand it, you know that's what you claim under - you have got to understand what you claim under? Do you understand it you think? A Yes sir, I think I understand that.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama, in 1830, when the treaty of Dancing Rabbit Creek was made? A No sir, I don't know.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir.
- Q Did any of them ever own any improvements on land in Mississippi or Alabama in 1830, or at any time before that year? A No sir, I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama and go to the Indian Territory with the other Indians between 1833 and 1838? A I don't know that.
- Q Did you ever hear that any of your ancestors ever went to the Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of Dancing Rabbit Creek, go to the United States Indian Agent, Colonel Ward, and tell him that they intended to stay in Mississippi and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article 14 of the treaty of 1830? A I don't remember that.
- Q

Sidney Hall, et al., 5.

- Q Did any of your Choctaw ancestors ever receive or claim any benefits under any other article of the treaty of 1830, except the 14th article or under the supplement to that treaty? A I don't know sir.
- Q You can't give me the names of any of your Choctaw ancestors further back than your father, Jim Hill? A No sir.
- Q Have you any documentary evidence that he was a Choctaw Indian, or had any Choctaw blood? A No sir.
- Q You have no affidavits? A No sir, I aint.
- Q You have no documentary evidence or record evidence of any kind? A No sir.

A reasonable time will be given you in which to file proper documentary evidence in support of this application.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent here in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that that agent failed to register and report to the Government, the names of many Choctaws who did in fact signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account, in many instances, the land upon which Indians had improvements and which they desired reserved for them under said article fourteen, was sold by the Government at its public land sales, and the Choctaws were deprived of their land. This action of the Government caused many complaints by the Choctaws, and finally the matter was brought to the attention of Congress, and Congress passed an Act which was approved on March 3, 1837, providing for the appointment of a Commission, whose duty it was to come to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek. In 1842 another commission was appointed for a similar purpose.

- Q Did any of your ancestors appear before either of the commissions and attempt to establish their rights under article 14 of the treaty of 1830? A Not that I know of.

The Act of Congress, approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government; he should be entitled to select land elsewhere in the State of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

- Q Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress, do you know? A No sir, I don't know.

Sidney Hill, et al., 6.

Q So far as you know, were any of your ancestors recognized members of the Choctaw tribe of Indians in Mississippi? A No sir, I don't know.

Q Did they ever receive any benefits as Choctaw Indians? A No sir, not as I knows of.

Q Are there any further statements you want to make now in support of this application? A No sir.

Q Have you any witnesses before the Commission you want to have called in support of this claim? A Yes sir, I have got one.

(Applicant excused.)

Riley Dile, having been first called and duly sworn, as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examined by the Commission.

Q What is your name? A Riley Dile.

Q What is your age? A I am about seventy two.

Q What is your post office address? A Ramsey, Alabama.

Q What is your business, or occupation? A Farming.

Q What is your blood? A I think my blood - ~~Afike~~ African.

Q Negro? A Nigger.

Q Your father and mother were both negroes? A Yes sir.

Q Were you a slave before the war? A Yes sir. I was in the war.

Q You were a slave before the war? A Yes sir.

Q Did you say you were in the war? A Yes sir.

Q Were you a soldier? A Yes sir.

Q How did you happen to be a soldier in the war? A They just called on me to go there; my boss sent me there.

Q Do you know about Sidney Hill having any Choctaw blood? A I know Sidney Hill's daddy.

Q What was his daddy's name? A Jim Hill.

Q Was he a slave? A Yes sir.

Q Was he owned by the same master you were? A No sir.

Q Lived on the same place? A No sir.

Q How did you happen to know him? A Well, he visited up to our house a time or two, and I stayed with him in Lauderdale one night.

Q What do you know about his having Choctaw blood? A Well, I don't know anything about that.

Q Did he look like an Indian, or a negro? A Well, he looked like he was mixed to me.

Q Did you ever know, or suspect that he had Indian blood in him? A I never took any notice of that, not that time.

Q Never heard him say anything about it? You think back a little and remember him; what do you think he was a negro? A Well, I think he was mixed - that he was mixed with white folks or Indian one.

Q But you don't know which? A No sir.

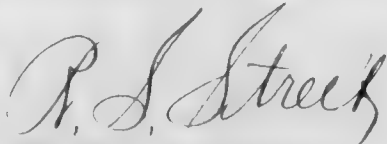
Q Do you know anything more about this applicant having Choctaw blood? A No sir.

Q You don't know anything further - nothing more you would say; you never heard anything further about it? A No sir.

Sidney Hill, et al., 7.

(This applicant appears to be a full blood negro; he has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 26th day of August, 1901, and that the above and foregoing in a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.



Subscribed and sworn to before me at Meridian, Mississippi, this 28th day of August, 1901.



Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Sidney Hill et al.,
for identification as Mississippi Choctaws, M O R 3369.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Sidney Hill for himself and his six minor children, Emma, Elijah, Lela, Rosa, Valley and Lottie Hill, under the following provision of the act of Congress approved June 23, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

It also appears from the testimony that the principal applicant was born of a slave mother prior to the Emancipation Proclamation and was himself a slave, and that the minor applicants herein are lineal descendants of him, and it does not appear from

the records in the possession of the Commission, that he or any of his minor children have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sidney Hill, Emma Hill, Elijah Hill, Lela Hill, Rosa Hill, Valley Hill, and Lettie Hill as such, should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. D. Dyer
Acting Chairman.

W. D. Dyer
Commissioner.

C. R. Reed
Commissioner.

Muskogee, Indian Territory,

OCT 16 1902

Muskogee, Indian Territory, October 16, 1902

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the case of Sidney Hill, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sidney Hill, Emma Hill, Elijah Hill, Lela Hill, Rosa Hill, Valley Hill, and Lottie Hill as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case

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have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

ORIGINAL

Acting Chairman.

COPY

M.C.N. 3369

Muskogee, Indian Territory, October 16, 1902.

Sidney Hill,

Reubey, Alabama.

Dear Sir:

You are hereby advised that on the 16th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the case of Sidney Hill, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sidney Hill, Rosa Hill, Elijah Hill, Lela Hill, Rosa Hill, Valley Hill, and Lottie Hill as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

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days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

Muskogee, Indian Territory, November 1, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sidney Hill, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 16, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James C. Smith
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M C R 3369

C O P Y.

Land
#6038-1902.

Department of the Interior,
Office of Indian Affairs,

Washington, Nov. 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made November 1, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Sidney Hill for the identification of himself and his six minor children, Emma, Elijah, Lela, Rosa, Valley and Lottie, as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of September 27, 1830.

October 16, 1902, the Commission held that the applicants were not entitled to identification.

Descent is traced back as far only as the father of the principal applicant. The father's name was Jim Hill, and both he and the applicant were slaves.

The applicant is not a full-blood Choctaw Indian. It is not shown, from an examination of the records of this office, that Jim Hill received a patent to land under the provisions of article fourteen of the treaty of 1830, or complied or attempted to comply

-2-

with the provisions of said article; neither does it appear that he applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications, be affirmed.

Very respectfully,

Your obedient servant,

W.A. Jones,
Commissioner.

EBH
D

3 inclosures.

DC 23531.

C o p y.

J.W.H.

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DEPARTMENT OF THE INTERIOR.

ITD 7196-1902.
File 896-1896.

W a s h i n g t o n, November 28, 1902.

LRS

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen,

November 1, 1902, you transmitted the record in the consolidated case of Sidney Hill (M.C.R.3369), and his six minor children, Emma, Elijah, Lela, Rosa, Valley and Lottie Hill, applicants for identification as Mississippi Choctaws, including your decision of October 16, 1902, refusing to identify them as such.

From the testimony as furnished by the record it appears that the principal applicant, Sidney Hill, was born in Green County, Alabama, where he lived for eight years and removed from there to the State of Mississippi. His father, Jim Hill, and his mother, Louisa, were slaves, both of whom were probably of African descent. It is alleged, however, that the father was a 3/4 blood Choctaw Indian.

The testimony as furnished by the record, fails to show that either of said ancestors complied or attempted to comply, in person or by proxy, with the provisions of the 14th article of the treaty of September 27, 1830, or the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513), relating thereto. As the testimony furnished by the records in your possession, and those at the Indian Office, fails to add anything in support of their claims,

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it must be held that your action in refusing to identify them, was correct.

Reporting in the matter November 17, 1902, the Commissioner of Indian Affairs recommends that your action be approved. The Department concurs therein and your decision is accordingly affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Sidney Hill, et al., of which decision you were advised by mail on the 16th day of October, 1902.

Respectfully,

Acting Chairman.

M.C.R. 3369

COPY.

Muskogee, Indian Territory, December 8, 1902.

Sidney Hill,

Ramsey, Alabama.

Dear Sir:

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Sidney Hill, et al., of which decision you were advised by registered mail on the 16th day of October, 1902.

Respectfully,

Tamc Bixby

Acting Chairman.

#1337

No. 3569

For Identification as a Mississippi Choctaw.

Date

AUG 26 1901

Name Sidney Hill

Age 50 -

Blood

3/8

Post Office, Ramey, Ala.

Father: Jim Hill (slave) d. neg.

Mother: Louisa " (slave) d.

Claims through

wife, Nancy - neg. - mother of

~~lost 4 children~~ no claim for wife -

Fannie (d) mother of first 2.

1/2 w. 1/2 neg.

Children: Emma - Hill 18

Elija Elijah " 14

Lela " 7

Rosa " 5

(Valley (que) " 3
VALLEY

Lottie " 8 m.

Claims for self & child -
m.

Stenographer R. S. Strait

END
OF
ROLL

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